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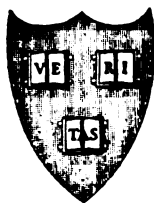
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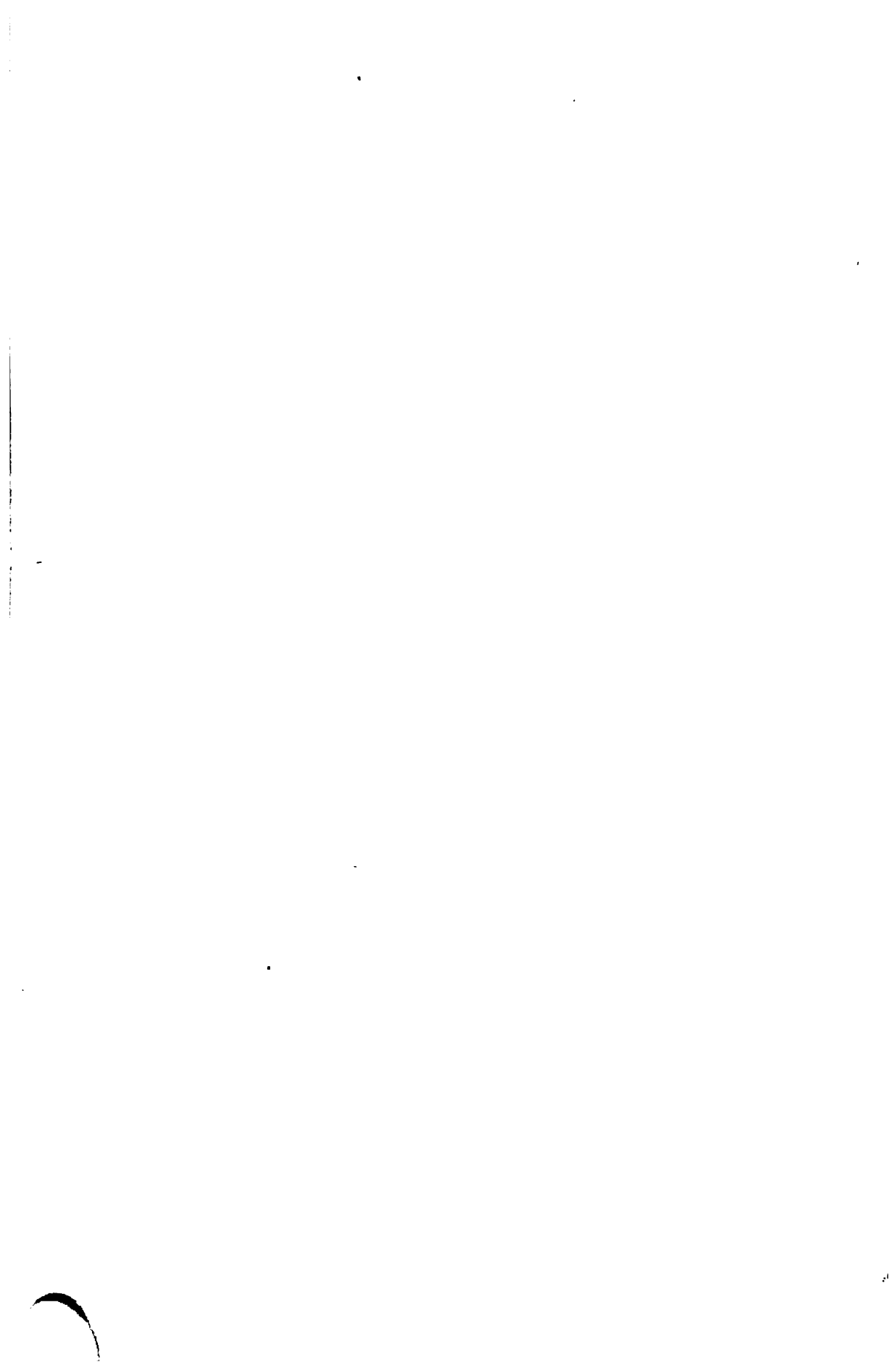
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FEDERAL STATUTES

ANNOTATED

SUPPLEMENT, 1909

Containing all the Laws of a Permanent and General Nature Enacted
by the Fifty-ninth and Sixtieth Congresses and by the
Special Session of the Sixty-first Congress

COMPILED UNDER THE EDITORIAL SUPERVISION OF
WILLIAM M. MCKINNEY

EDWARD THOMPSON COMPANY
NORTHPORT, LONG ISLAND, NEW YORK

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PREFACE.

This Supplement connects with volume 10 of Federal Statutes, Annotated. It embraces the general and permanent laws enacted by the Fifty-ninth and Sixtieth Congresses, and by the Special Session of the Sixty-first Congress, which adjourned August 5, 1909. It supplants the 1907 Supplement, all the Acts in that Supplement which are still in force being included in this volume. The scheme of titles in the main work has been followed, except where the new statutes required titles not before used. In order to avoid delay in bringing out the volume, the 1909 Tariff Act and the other laws passed at the Special Session are placed in an Appendix at the close. A chronological table of the Acts embraced in this Supplement, and a table of the sections of the Revised Statutes which have been expressly repealed, amended, or mentioned in such Acts, follow the table of titles at the beginning of this volume.

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An Act To provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditure thereof.

[Act of March 16, 1906, ch. 951, 34 Stat. L. 63.]

[SEC. 1.] [*Agricultural experiment stations — annual appropriation to states and territories for, increased — amount of annual increase.*] That there shall be, and hereby is, annually appropriated, out of any money in the Treasury not otherwise appropriated, to be paid as hereinafter provided, to each State and Territory, for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven, the sum of five thousand dollars in addition to the sum named in said Act for the year ending June thirtieth, nineteen hundred and six, and an annual increase of the amount of such appropriation thereafter for five years by an additional sum of two thousand dollars over the preceding year, and the annual amount to be paid thereafter to each State and Territory shall be thirty thousand dollars, to be applied only to paying the necessary expenses of conducting original researches or experiments bearing directly on the agricultural industry of the United States, having due regard to the varying conditions and needs of the respective States or Territories. [34 Stat. L. 63.]

For the Act of March 2, 1887, above mentioned, see 1 Fed. Stat. Annot. 9.

Construction of this Act, see provision from the Act of June 30, 1906, ch. 3913, *infra*, p. 4.

SEC. 2. [*Payments quarterly — report of receipts, etc. — legislative assent necessary — assent of governors.*] That the sums hereby appropriated to the States and Territories for the further endowment and support of agricultural experiment stations shall be annually paid in equal quarterly payments on the first day of January, April, July, and October of each year by the Secretary of the Treasury, upon the warrant of the Secretary of Agriculture, out of the Treasury of the United States, to the treasurer or other officer duly appointed by the governing boards of said experiment stations to receive the same, and such officers shall be required to report to the Secretary of Agriculture on or before the first day of September of each year a detailed statement of the amount so received and of its disbursement, on schedules prescribed by the Secretary of Agriculture. The grants of money authorized by this Act are made subject to legislative assent of the several States and Territories to the purpose of said grants: *Provided*, That payment of such installments of the appropriation herein made as shall become due to any State or Territory before the adjournment of the regular session of legislature meeting next after the passage of this Act shall be made upon the assent of the governor thereof, duly certified by the Secretary of the Treasury. [34 Stat. L. 63.]

SEC. 3. [*Apportionments, when misapplied, etc. — restriction — annual reports to governors.*] That if any portion of the moneys received by the designated officer of any State or Territory for the further and more complete endowment, support, and maintenance of agricultural experiment stations as provided in this Act shall by any action or contingency be diminished or lost or be misapplied, it shall be replaced by said State or Territory to which it belongs, and until so replaced no subsequent appropriation shall be apportioned or paid to such State or Territory; and no portion of said moneys exceeding five per centum of each annual appropriation shall be applied, directly or indirectly, under any pretense whatever, to the purchase, erection, preservation, or repair of any building or buildings, or to the purchase or rental of land. It shall be

the duty of each of said stations annually, on or before the first day of February, to make to the governor of the State or Territory in which it is located a full and detailed report of its operations, including a statement of receipts and expenditures, a copy of which report shall be sent to each of said stations, to the Secretary of Agriculture, and to the Secretary of the Treasury of the United States. [34 Stat. L. 63.]

SEC. 4. [*Certificates as to compliance with the law, etc. — reasons for withholding allotments to be reported — disposal of withheld allotments.*] That on or before the first day of July in each year after the passage of this Act the Secretary of Agriculture shall ascertain and certify to the Secretary of the Treasury as to each State and Territory whether it is complying with the provisions of this Act and is entitled to receive its share of the annual appropriation for agricultural experiment stations under this Act and the amount which thereupon each is entitled, respectively, to receive. If the Secretary of Agriculture shall withhold a certificate from any State or Territory of its appropriation, the facts and reasons therefor shall be reported to the President and the amount involved shall be kept separate in the Treasury until the close of the next Congress in order that the State or Territory may, if it shall so desire, appeal to Congress from the determination of the Secretary of Agriculture. If the next Congress shall not direct such sum to be paid, it shall be covered into the Treasury; and the Secretary of Agriculture is hereby charged with the proper administration of this law. [34 Stat. L. 64.]

SEC. 5. [*Report to Congress.*] That the Secretary of Agriculture shall make an annual report to Congress on the receipts and expenditures and work of the agricultural experiment stations in all of the States and Territories, and also whether the appropriation of any State or Territory has been withheld; and if so, the reason therefor. [34 Stat. L. 64.]

SEC. 6. [*Amendment.*] That Congress may at any time amend, suspend, or repeal any or all of the provisions of this Act. [34 Stat. L. 64.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and seven.

[*Act of June 30, 1906, ch. 3913, 34 Stat. L. 669.*]

[SEC. 1.] [*Leaves of absence to employees of bureau of animal industry.*] * * * and the employees of the Bureau of Animal Industry outside of the city of Washington may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leaves of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended, in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year. [34 Stat. L. 673.]

This provision, although in permanent form, is repeated in the Appropriation Act of March 4, 1907, ch. 2907, 34 Stat. L. 1260.

[*Agricultural experiment stations — construction of Act of March 16, 1906 — allotment — payments.*] The Act of Congress approved March sixteenth, nineteen hundred and six, entitled "An Act to provide for an increased annual appropriation for agricultural experiment stations and regulating the expenditures thereof," shall be construed to appropriate for each station the

sum of five thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and six, the sum of seven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and seven, the sum of nine thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eight, the sum of eleven thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and nine, the sum of thirteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and ten, and the sum of fifteen thousand dollars for the fiscal year ending June thirtieth, nineteen hundred and eleven. The sum of five thousand dollars appropriated for the fiscal year nineteen hundred and six shall be paid on or before June thirtieth, nineteen hundred and six, and the amounts appropriated for the subsequent years shall be paid as provided in the said Act to each State and Territory for the more complete endowment and maintenance of agricultural experiment stations now established or which may hereafter be established in accordance with the Act of Congress approved March second, eighteen hundred and eighty-seven. [34 Stat. L. 696.]

The Act of March 16, 1906, above mentioned, is given *supra*, p. 3.

The Act of March 2, 1887, above referred to, is given in 1 Fed. Stat. Annot. 9.

[*Leaves of absence to employees in experiment stations in Alaska, Hawaii, and Porto Rico.*] And the employees of the experiment stations in Alaska, Hawaii, and Porto Rico may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may, in exceptional and meritorious cases where such an employee is ill, be extended in the discretion of the Secretary of Agriculture not to exceed fifteen days additional in any one year. [34 Stat. L. 694.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight.

[Act of March 4, 1907, ch. 2907, 34 Stat. L. 1256.]

[*Secretary to make appointments, changes in salaries, etc. — salaries for scientific employees, etc. — details from and to secretary's office — annual statement.*] And hereafter the Secretary of Agriculture is hereby authorized to make such appointments, promotions, and changes in salaries, to be paid out of the lump funds of the several bureaus, divisions, and offices of the Department as may be for the best interests of the service: *Provided*, That the maximum salary of any classified scientific investigator in the city of Washington, or other employee engaged in scientific work, shall not exceed three thousand five hundred dollars per annum. And the Secretary of Agriculture is hereby authorized and directed to pay the salary of each employee from the roll of the bureau, independent division, or office in which the employee is working, and no other: *Provided, however*, That details may be made from or to the office of the Secretary when necessary and the services of the person whom it is proposed to detail are not required in that office; and he is further authorized and directed to submit to Congress each year a statement covering all appointments, promotions, or other changes made in the salaries paid from lump funds, giving in each case the title, salary, and amount of such change or changes, together with reasons therefor. [34 Stat. L. 1280.]

Substantially the same provision occurs in earlier appropriation acts. The addition of the word "hereafter" makes this provision permanent. See 10 Fed. Stat. Annot. 2, 34 Stat. L. 695.

[*Photographs, etc., to be sold.*] And hereafter the Secretary of Agriculture is hereby authorized to furnish, upon application, prints and lantern slides from negatives in the possession of the Department and to charge for the same a price to cover the cost of preparation, such price to be determined and established by the Secretary of Agriculture, and the money received from such sales to be deposited in the Treasury of the United States. [34 Stat. L. 1281.]

With the exception of the word "hereafter," which makes it permanent, this provision is found in the Appropriation Act of June 30, 1906, 34 Stat. L. 696.

[*Sales of waste paper, etc.*] And hereafter the Secretary of Agriculture is authorized to sell as waste waste paper, or otherwise to dispose of the accumulation of Department files which do not constitute permanent records, and all other documents and publications which have become obsolete or worthless. [34 Stat. L. 1281.]

[*Purchase of mileage books, etc.*] And hereafter the Secretary of Agriculture is authorized to purchase from appropriations made for traveling expenses for employees of the Department of Agriculture, mileage and mileage books, at commercial rates, in the manner in which such mileage or mileage books are usually purchased. [34 Stat. L. 1281.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and nine.

[Act of May 23, 1908, ch. 192, 35 Stat. L. 251.]

[SEC. 1.] [*Establishing grades of cotton — furnishing official standard.*]
 * * * To enable the Secretary of Agriculture to establish a standard for the different grades of cotton, calling to his assistance for that purpose expert cotton classifiers, by fixing a standard of middling cotton and, using the same as a basis, establishing a standard of nine different grades to be designated middling fair, strict good middling, good middling, strict middling, middling, strict low middling, low middling, strict good ordinary, and good ordinary, which shall be the official standard of cotton classifications. And the Secretary of Agriculture is authorized and directed to prepare in practical form the standard of said grades and furnish the same upon request to any person, the cost thereof to be paid, when delivered, by the person requesting the same, and certified under the signature of the said Secretary and the seal of his Department. [35 Stat. L. 256.]

[*Establishing grades of grain for export.*] To enable the Secretary of Agriculture to establish and maintain, at such points as he may deem expedient, laboratories for the purpose of examining and reporting upon the nature, quality, and condition of any sample, parcel, or consignment of seed or grain, including rent and the employment of labor in the city of Washington and elsewhere; and the Secretary of Agriculture is authorized to report upon such samples, parcels, or consignments, from time to time, and the reports so made shall serve as a basis for the fixing of definite grades, and also for the issuance of certificates of inspection when requested by the consignor or consignee of any grain entering into foreign commerce. [35 Stat. L. 257.]

The same provision occurs in the Agricultural Appropriation Act of March 4, 1907, ch. 2907, 34 Stat. L. 1267, and in the Agricultural

Appropriation Act of June 30, 1906, ch. 3913, 34 Stat. L. 681.

[*Index of agricultural experiment station literature.*] And the Secretary of Agriculture hereafter may furnish to such institutions or individuals as may care to buy them copies of the card index of agricultural literature prepared by the Office of Experiment Stations, and charge for the same a price covering the additional expense involved in the preparation of these copies, the money received from such sales to be deposited in the Treasury of the United States as miscellaneous receipts; [35 Stat. L. 266.]

This provision with the exception of the word "hereafter" makes the provision permanent. The word "hereafter" has occurred for many years in agricultural appropriation acts. The

[*Card index of publications.*] And hereafter the Secretary of Agriculture may furnish to such institutions or individuals as may care to buy them, copies of the card index of the publications of the Department and of other agricultural literature prepared by the library, and charge for the same a price covering the additional expense involved in the preparation of these copies. [35 Stat. L. 264.]

With the exception of the word "hereafter," this provision has occurred in previous agricultural appropriation acts.

[*Report of payments to state officials, etc.*] That hereafter any sum used for compensation of or payment of expenses to any officer or other person employed by any State, county, or municipal government, shall be reported to Congress in detail, on the first Monday of December of each year. [35 Stat. L. 260.]

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and ten.

[Act of March 4, 1909, ch. 301, 35 Stat. L. 1039.]

[SEC. 1.] [*Monthly crop reports — cotton crop condition reports.*] * * * That hereafter the monthly crop reports, which shall be gathered as far as practicable from practical farmers, and which shall be issued on or before the tenth of each month, shall embrace statements of the conditions of crops by States, in the United States, with such explanations, comparisons, and information as may be useful for illustrating the above matter, and that it shall be submitted to and officially approved by the Secretary of Agriculture before being issued or published: *Provided further*, That hereafter the condition reports of the cotton crop shall be issued on the same day in October each year as the first ginner's report of actual cotton ginned, as follows: [35 Stat. L. 1053.]

This provision, except for the word "hereafter," which makes it permanent, is the same as that in the Act of May 23, 1908, ch. 192, 35 Stat. L. 264. These vary from former pro-

visions on the subject. See 34 Stat. L. 691, 1276. See also this work, vol. 10, p. 4; vol. 1, p. 16.

[*Subscriptions to publications.*] That hereafter section thirty-six hundred and forty-eight of the Revised Statutes shall not apply to the subscriptions for publications for the Department of Agriculture, and the Secretary of Agriculture is authorized to pay in advance for any publications for the use of this department. [35 Stat. L. 1054.]

This provision has occurred in many previous agricultural appropriation acts. The addition of the word "hereafter" in the provision as it appears above makes it permanent.

R. S. sec. 3648, above referred to, relates to the advances of public moneys and is given in 6 Fed. Stat. Annot. 564.

[*Sale of products of experiment stations in Alaska, Hawaii, Porto Rico, and Guam.*] * * * and the Secretary of Agriculture is authorized to sell such products as are obtained on the land belonging to the agricultural experiment stations in Alaska, Hawaii, Porto Rico, and the island of Guam, and to apply the money received from the sale of such products to the maintenance of said stations, and this fund shall be available until used. [35 Stat. L. 1055.]

This provision has appeared in former agricultural appropriation acts. See 35 Stat. L. 266; 34 Stat. L. 1279, etc.

[*Watchmen given police powers.*] And hereafter all duly and lawfully constituted and appointed watchmen of the Department of Agriculture stationed in and upon the buildings and premises of said department in the city of Washington, District of Columbia, shall have and perform the same powers and duties, while on duty in and about said premises, as the Metropolitan police of the District of Columbia. [35 Stat. L. 1057.]

[*Assignments of pay allowed employees.*] And hereafter the Secretary of Agriculture is authorized to permit employees of the Department of Agriculture to make assignments of their pay, under such regulations as he may prescribe, during such time as they may be in the employ of the said department. [35 Stat. L. 1057.]

[*Seeds, grain, and plants — purchase and distribution — tests — grades, etc.*]

The provisions in this act on these subjects vary somewhat from those in former appropriation acts. It now seems that there is no

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An Act Providing for the election of a Delegate to the House of Representatives from the Territory of Alaska.

[Act of May 7, 1906, ch. 2083, 34 Stat. L. 169.]

[SEC. 1.] [*Delegate to be elected — qualifications — compensation — allowance for mileage, etc.*] That the people of the Territory of Alaska shall be represented by a Delegate in the House of Representatives of the United States, chosen by the people thereof in the manner and at the time hereinafter prescribed, and who shall be known as the Delegate from Alaska. Such Delegate shall at the time of his election have been for seven years a citizen of the United States, and shall be an inhabitant and qualified voter of the district of Alaska, and shall be not less than twenty-five years of age, and when duly chosen and qualified shall possess the same powers and privileges and be entitled to the same rate of compensation as the Delegates in the House of Representatives from the Territories of the United States: *Provided, however,* That such Delegate, in lieu of all other allowances, shall, in addition to his salary, receive the sum of one thousand five hundred dollars per annum, which shall cover all mileage and other expenses except stationery allowance and compensation for clerk hire. [34 Stat. L. 169.]

SEC. 2. [*First election — terms — salary, etc.*] That the first election for Delegate from Alaska shall be held upon the second Tuesday of August, in the year nineteen hundred and six, and that all subsequent elections for such Delegate shall be held on the second Tuesday in August in each year when there is a general election for Members of the House of Representatives, and that at said first election there shall be elected a Delegate who shall hold his office for the unexpired portion of the Fifty-ninth Congress, which term of office is hereinafter designated as the "short term;" and also at said first

election there shall be elected a Delegate who shall hold his office for the full term of the Sixtieth Congress, which term of office is hereinafter designated as the "long term." That the Delegate chosen at said first election for the short term shall hold his office from the date of his election certificate during the remainder of the Fifty-ninth Congress; and the Delegate chosen at said first election for the long term shall hold his office for the full term of the Sixtieth Congress; that the Delegate chosen at each subsequent election shall hold his office for the same term as the Members of the House of Representatives chosen at the general election in the same year. That the salary and allowances of the Delegate chosen for the short term at said first election shall begin with the date of his election certificate, and shall extend throughout and until the close of the Fifty-ninth Congress. The salary and allowances of the Delegate chosen for the long term at said first election shall begin at the commencement of the term of the Sixtieth Congress and extend throughout and until the close thereof. The salary and allowances of the Delegate chosen at each subsequent election shall be for the full term of the Congress to which he is elected a Delegate. [34 Stat. L. 170.]

SEC. 3. [*Voting qualifications.*] That all male citizens of the United States twenty-one years of age and over who are actual and bona fide residents of Alaska, and who have been such residents continuously during the entire year immediately preceding the election, and who have been such residents continuously for thirty days next preceding the election in the precinct in which they vote, shall be qualified to vote for the election of a Delegate from Alaska. [34 Stat. L. 170.]

SEC. 4. [*Election districts in towns — officers — polls, etc. — notices.*] That each incorporated town in the district of Alaska shall constitute an election district, and where the population of such town exceeds one thousand inhabitants the common council may, in their discretion, at least thirty days before the election, divide the district into two or more voting precincts and define the boundaries of each precinct; and the said common council shall also appoint, at least thirty days before the election, three judges of election and two clerks for each voting precinct, all of whom shall be qualified voters of the precinct; and no more than two judges and one clerk shall belong to the same political party. The common council shall also, at least thirty days before the date of the election, provide a suitable polling place for each voting precinct and give due notice of the election by posting a written or printed notice in three public places in each precinct, specifying the time and place of the election, and in case there are one or more newspapers of general circulation published in the town, then a copy of said notice shall also be published in one of such newspapers at least once a week for two consecutive weeks next prior to the date of the election. [34 Stat. L. 170.]

SEC. 5. [*Election districts outside of towns — commissioners' duties — voting precincts — minimum number of voters — election notice — publication of — judges of election.*] That all of the territory in each recording district now existing or hereafter created situate outside of an incorporated town shall, for the purposes of this act, constitute one election district; that in each year in which a Delegate is to be elected the commissioner in each of said election districts shall, at least thirty days before the date of said first election, and at least sixty days before the date of each subsequent election, issue an order and notice, signed by him and entered in his records in a book to be kept by him for that purpose, in which said order and notice he shall —

First. Divide his election district into such number of voting precincts as may in his judgment be necessary or convenient, defining the boundaries of each precinct by natural objects and permanent monuments or landmarks, as far as practicable, and in such manner that the boundaries of each can be readily determined and become generally known from such description, specify a polling place in each of said precincts, and give to each voting precinct an appropriate name by which the same shall thereafter be designated: *Provided, however,* That no such voting precinct shall be established with less than thirty qualified voters resident therein; that the precincts established as aforesaid shall remain as permanent precincts for all subsequent elections, unless discontinued or changed by order of the commissioner of that district.

Second. Give notice of said election, specifying in said notice, among other things, the date of such election, the boundary of the voting precincts as established, the location of the polling place in the precinct, and the hours between which said polling places will be open.

Said order and notice shall be given publicity by said commissioner by posting copies of the same at least twenty days before the date of said first election, and at least thirty days before the date of each subsequent election. Said copies shall be posted as follows: One at the office of the commissioner in said district, and three copies to be posted in three conspicuous public places in each of said voting precincts as established, one of which shall be the designated polling place in each precinct; and said commissioner shall also mail a certified copy of said order and notice to the governor of Alaska at his official residence. That at least thirty days prior to the date of the holding of such election the commissioners shall select, notify, and appoint from among the qualified electors in each voting precinct three judges of election for said precinct, no more than two of whom shall be of the same political party. Said commissioner shall notify all of said judges of election of their appointment as such, so that each and all of them shall receive said notice at least ten days before the date of the election. [34 Stat. L. 171.]

SEC. 6. [*Election board — duties — oath — administering oaths to voters — clerks of election outside of towns — duties.*] That the judges of election of each voting precinct shall constitute the election board for said precinct and shall supervise and have charge of the election therein. They shall secure and provide a place for holding the election and a suitable ballot box. They shall pass upon the qualification of the voter and, if he be found qualified, receive and deposit his ballot in the ballot box, and shall canvass and make a return of the votes cast, as hereinafter provided. That the members of said election board in each precinct, before entering upon the duties of their office, shall each severally take an oath, which shall be reduced to writing, before an officer qualified to administer oaths, to honestly, faithfully, and promptly perform the duties of their positions; and if no officer qualified to administer oaths be present or available, then any one of said duly appointed or selected judges of election may administer the necessary oath to said other two judges, and he shall afterwards in turn be sworn by one of them. That each of said judges shall have authority to administer any oath to the voter necessary or proper under this act, and said judges shall have equal authority; and in case of any question or disagreement over any matter during the course of said election the decision of the majority of said judges shall govern. That two of the three judges of election in each voting precinct, outside of incorporated towns, to be selected by a majority of said judges shall also perform the duties of clerks of election for that precinct; the two judges performing the duties of clerks shall

be of different political parties; it shall be the duty of the clerks at each voting precinct to make a full written record of such election as held in that precinct, and each of them shall keep a correct duplicate register and enter therein the names of the voters and the fact that they have voted, or have offered to vote and were refused, and a brief statement of the reasons for said refusal. [34 Stat. L. 171.]

SEC. 7. [*Watchers at polls — rights allowed.*] That each of the candidates for the office of Delegate herein provided for, at any election held hereunder, shall be entitled to one watcher at each voting precinct, who shall be permitted to be present within the place of voting at such precinct, and in some place therein where he may at all times be in full view of every act done. Such watcher shall have the right to be so present at all times from the opening of the polls until the ballots are finally counted and the result certified by the election board. Each watcher shall be required to present to the election board proper credentials, signed by the candidate he represents, showing him to be the duly authorized watcher for such person. [34 Stat. L. 172.]

SEC. 8. [*Filling vacancies on election day.*] That in case any of the judges of election selected as herein provided for any precinct shall fail to appear and qualify at the time and place designated for the election for which they shall be appointed, then, in that event, the qualified voters present may, by a majority viva voce vote, select a suitable person or persons to fill the vacancy or vacancies in said election board; and the person or persons so selected shall qualify and serve on said election board, with the same powers and in the same manner as if appointed as hereinbefore provided. [34 Stat. L. 172.]

SEC. 9. [*Voting hours — ballots, form, etc. — casting ballots — register of votes.*] That the election boards herein provided for shall keep the several polling places open for the reception of votes from eight o'clock antemeridian until seven o'clock postmeridian on the day of election. The voting at said election shall be by printed or written ballot. The ballot at said first election shall be substantially in the following form:

“FOR DELEGATE FROM ALASKA.

“For the short term (here insert the name of the person voted for).

“For the long term (here insert the name of the person voted for).”

At all elections after said first election the ballot shall be substantially in the following form:

“FOR DELEGATE FROM ALASKA.

“(Here insert the name of the person voted for.)”

Such ballot shall be folded by the voter so as not to disclose the vote, and by him handed to any one of the judges of election, who shall immediately, in the presence of the voter and of all the members of the election board, deposit the same, folded as aforesaid, in the ballot box, where the same shall remain untouched until the polls are closed. At the time the ballot is so deposited the clerks of election shall each of them enter in his duplicate register the name of the voter and the fact that he has voted. [34 Stat. L. 172.]

SEC. 10. [*Challenges — oath required — acceptance or rejection — penalty for false swearing.*] That any person offering to vote may be challenged by any election officer or any other person entitled to vote at the same polling

place, or by any duly appointed watcher, and when so challenged, before being allowed to vote he shall make and subscribe to the following oath: "You do solemnly swear (or affirm, as the case may be) that you are twenty-one years of age and a citizen of the United States; that you are an actual and bona fide resident of Alaska, and have been such resident during the entire year immediately preceding this election, and have been a resident in this voting precinct for thirty days next preceding this election, and that you have not voted at this election," and further naming the place from which the voter came immediately prior to living in the precinct in which he offers to vote, and giving the length of time of his residence in the former place. And when he has made such an affidavit he shall be allowed to vote; but if any person so challenged shall refuse or fail to take such oath and sign such affidavit, then his vote shall be rejected; and any person swearing falsely in any such affidavit shall be guilty of perjury and shall, upon conviction thereof, suffer punishment as is prescribed by law for persons guilty of perjury. [34 Stat. L. 172.]

SEC. 11. [*Canvass of votes cast — certificates in duplicate — one mailed to governor — one to clerk of district court — certified copy — preservation of documents.*] That the election board at each polling place, as soon as the polls are closed, shall immediately publicly proceed to open the ballot box and count and canvass the votes cast, and they shall thereupon, under their hands and seals, make out in duplicate a certificate of the result of said election, specifying the number of votes, in words and figures, cast for each candidate, and they shall then immediately carefully and securely seal up in one envelope one of said duplicate certificates and one of the registers of voters, all the ballots cast, and all affidavits made, and mail such envelope, with said papers inclosed, at the nearest post-office by registered mail, if possible, duly addressed to the governor of Alaska at his place of residence, with the postage prepaid thereon. The other duplicate certificate and register of voters, with the oaths of the judges of election, the judges of election shall at once seal up in an envelope addressed to the clerk of the district court for the division in which the precinct is situate, at his place of residence, with the postage thereon prepaid, and deposit the same in the nearest post-office, by registered mail, if possible. And the said clerk shall, as soon as he receives the said duplicate certificate, at once make out and duly mail to the governor of Alaska a certified copy of such certificate. The clerks of the district courts for the various divisions of Alaska, and the governor of Alaska shall each retain and carefully preserve all such documents received by them until the end of the term for which the Delegate chosen has been elected. [34 Stat. L. 173.]

SEC. 12. [*Territorial canvassing board — canvass of result — certified copy of certificate — declaration of result.*] That the governor, the surveyor-general, and the collector of customs for Alaska shall constitute a canvassing board for the Territory of Alaska to canvass and compile in writing the vote specified in the certificates of election returned to the governor from all the several election precincts as aforesaid. The said canvassing board shall commence the performance of its duties at the office of the governor within ten days after the third Tuesday of October in each year in which an election is held under and by virtue of this act, and shall continue with such work from day to day until the same is completed; and said canvass shall be publicly made. In case it shall appear to said board that no election return as hereinbefore prescribed has been received by the governor from any precinct in which an election has been held, the said board may accept in place thereof the certified copy of the certifi-

cate of election for such precinct received from the clerk of the court, and may canvass and compile the same with the other election returns. Said board, upon the completion of said canvass, shall declare the person who has received the greatest number of votes for Delegate to be the duly elected Delegate from Alaska for the term for which he has been so elected, and shall issue and deliver to him in writing under their hands and seals a certificate of his election. [34 Stat. L. 173.]

SEC. 13. [*Fees — publication in newspapers — posting notices in polling places — rental — election officers.*] That each newspaper in Alaska authorized to publish the notice of election provided for herein, and having published the same according to law, shall be entitled to receive therefor not more than ten dollars for the entire publications of any one election; that each commissioner in the Territory of Alaska is authorized to contract for the proper posting of all elections notices, as provided herein, in each voting precinct created in his said election district, and that not more than the sum of ten dollars shall be allowed at each election for the posting of said notices in any one voting precinct in Alaska; that not more than ten dollars at each election shall be allowed for the rental of a proper polling place in each voting precinct in Alaska; that each of the judges of election who shall qualify and serve as such in any precinct on said election day and each of the clerks of election in an incorporated town shall be entitled to a compensation of five dollars for all services performed. [34 Stat. L. 174.]

SEC. 14. [*Payment of expenses — audit of.*] That the compensation for said newspaper publications, the proper posting of said notices, the rental of said polling places, the fees of the judges and clerks of election in each precinct, together with the cost of securing a ballot box and the cost of necessary postage and stationery, shall be certified with proper vouchers and receipts attached by the various election officials to the judge of the district court in the said judicial division in which said voting precinct is situate, and the same shall be audited by said judge and shall be paid by the clerk of the court of said division out of the same fund and in the same manner as the incidental expenses of said district court are paid. [34 Stat. L. 174.]

SEC. 15. [*Penalties — for illegal voting, etc. — intimidation, bribery, etc. — changing returns, etc. — neglect of duty, etc., by officers — jurisdiction.*] That any person who, by any means, shall hinder, delay, prevent, or obstruct any other person from qualifying himself to vote or from lawfully voting at any election herein provided for, or who shall knowingly personate and vote or attempt to vote in the name of any other person, or who shall vote more than once at the same election, or shall vote at a place where or at a time when he may not lawfully be entitled to vote, or shall do any unlawful act to secure an opportunity to vote, for himself or for any other person, or who, by or through any force, threat, intimidation, bribery, reward or offer thereof, unlawfully vote himself or procures another to vote, or prevents or induces another to refrain from exercising his right of suffrage, or induces by any means any officer of an election to do any unlawful act or omit to do his duty in any manner, or who, directly or indirectly, in any manner shall fraudulently change or cause to be changed the returns or the true and lawful result of any election hereunder or shall attempt to do the same, or who shall delay, cause to be delayed, or connive at the delay of election returns in any manner or attempt to do so, shall be guilty of a crime, and upon the conviction thereof shall be punished by a fine of not more than five hundred dollars nor less than one hundred

dollars, or imprisoned not more than three years, or both, in the discretion of the court, and pay the costs of the prosecution; and every officer of an election held hereunder who neglects to perform or violates any duty imposed upon him as such officer, or knowingly does any unauthorized act with the intent to affect the election or the result thereof, or who shall permit, make, or connive at any false count or certificate of election, or who shall conceal, withhold, destroy, or willfully delay the returns of election, or connive at the same being done, or who shall aid, counsel, or procure any person to do or attempt to do any act made a crime hereinbefore, or shall attempt to do any of the acts hereinbefore mentioned, shall be guilty of a crime, and upon conviction thereof shall be punished by a fine of not less than two hundred dollars nor more than one thousand dollars, or by imprisonment of not more than five years, or both, in the discretion of the court, and shall pay all costs of the prosecution; and jurisdiction of all such matters is hereby conferred upon the district court of Alaska. [34 Stat. L. 174.]

SEC. 16. [Effect.] That this act shall take effect upon its passage. [34 Stat. L. 175.]

An Act To amend an Act entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January twenty-seventh, nineteen hundred and five.

[Act of May 14, 1906, ch. 2453, 34 Stat. L. 192.]

That section one of an Act entitled "An Act to provide for the construction and maintenance of roads, the establishment and maintenance of schools, and the care and support of insane persons in the district of Alaska, and for other purposes," approved January twenty-seventh, nineteen hundred and five, be, and the same is hereby, amended so as to read as follows:

The Act of Jan. 27, 1905, above referred to, is given in 10 Fed. Stat. Annot. 20.

"SECTION 1. [*Alaska fund — liquor, trade, etc., license fees outside incorporated towns to constitute the "Alaska fund" — use of fees — collection of license fees — marshal's deputies to act as license inspectors — fees.*] That all moneys derived from and collected for liquor licenses, occupation or trade licenses outside of the incorporated towns in the district of Alaska shall be deposited in the Treasury Department of the United States, there to remain as a separate and distinct fund, to be known as the 'Alaska fund,' and to be wholly devoted to the purposes hereinafter stated in the district of Alaska. One-fourth of said fund, or so much thereof as may be necessary, shall be devoted to the establishment and maintenance of public schools in said district; five per centum of said fund shall be devoted to the care and maintenance of insane persons in said district, or so much of said five per centum as may be needed; and all the residue of said fund shall be devoted to the construction and maintenance of wagon roads, bridges, and trails in said district: *And provided further,* That the clerk of the court of each judicial division of said district is authorized, and he is hereby directed, whenever considered necessary, to call upon the United States marshal of said judicial division to aid in the collection of said license moneys by designating regular or special deputies of his office to act as temporary license inspectors, and it shall be the duty of said United States marshal to render such aid; and the said regular or special deputies, while actually engaged in the performance of this duty, shall receive

the same fees and allowances and be paid in the same manner as when performing their regular duties." [34 Stat. L. 192.]

This section in its original form is given in 10 Fed. Stat. Annot. 20.

SEC. 2. That section two of said Act be, and the same is hereby, amended so as to read as follows:

"SEC. 2. [*Construction of wagon roads — appointment of road commissioners — powers — maps, etc. — bids when actual construction cost aggregates over \$20,000 — disbursements — reimbursement for actual expenses, etc.*] That there shall be a board of road commissioners in said district, to be composed of an engineer officer of the United States Army to be detailed and appointed by the Secretary of War, and two other officers of that part of the Army stationed in said district and to be designated by the Secretary of War. The said engineer officer shall, during the term of his said detail and appointment, abide in said district. The said board shall have the power, and it shall be their duty, upon their own motion or upon petition, to locate, lay out, construct, and maintain wagon roads and pack trails from any point on the navigable waters of said district to any town, mining or other industrial camp or settlement, or between any such town, camps, or settlements therein, if in their judgment such roads or trails are needed and will be of permanent value for the development of the district; but no such road or trail shall be constructed to any town, camp, or settlement which is wholly transitory or of no substantial value or importance for mining, trade, agricultural, or manufacturing purposes. The said board shall prepare maps, plans, and specifications of every road or trail they may locate and lay out, and whenever more than twenty thousand dollars, in the aggregate, shall have to be expended upon the actual construction of any road or section of road designed to be permanent, contract for the work shall be let by them to the lowest responsible bidder, upon sealed bids, after due notice, under rules and regulations to be prescribed by the Secretary of War. The board may reject any bid if they deem the same unreasonably high or if they find that there is a combination among bidders. In case no responsible and reasonable bid can be secured, then the work may be carried on with material and men procured and hired by the board. The engineer officer of the board shall in all cases supervise the work of construction and see that the same is properly performed. As soon as any road or trail laid out by the board has been constructed and completed they shall examine the same and make a full and detailed report of the work done on the same to the Secretary of War, and in such report they shall state whether the road or trail has been completed conformably to the maps, plans, and specifications of the same. It shall be the duty of said board, as far as practicable, to keep in proper repair all roads and trails constructed under their supervision, and the same rules as to the manner in which the work of repair shall be done, whether by contract or otherwise, shall govern as in the case of the original construction of the road or trail. The cost and expenses of laying out, constructing, and repairing such roads and trails shall be paid by the Secretary of the Treasury, through the authorized disbursing officer of the board designated by the Secretary of War, out of the road and trail portion of said 'Alaska fund' upon vouchers approved and certified by said board. The Secretary of the Treasury shall, at the end of each month, send by mail to each of the members of said board a statement of the amount available of said 'Alaska fund' for the construction and repair of roads and trails, and no greater liability for construction or repair shall at any time be incurred by said board than the money available therefor at that time in said fund. The members of said board shall, in addition to their

salaries, be reimbursed in the sums actually paid or incurred by them in traveling expenses in the performance of their duties, and shall be entitled to receive their actual expenses of living while serving as members of said board within the limits of the district and not stationed at a military post." [34 Stat. L. 192.]

This section in its original form is given in 10 Fed. Stat. Annot. 20.

An Act Authorizing the Secretary of the Interior to allot homesteads to the natives of Alaska.

[Act of May 17, 1906, ch. 2469, 34 Stat. L. 197.]

[*Homestead allotments to natives — allotments inalienable and nontaxable — preference rights.*] That the Secretary of the Interior is hereby authorized and empowered, in his discretion and under such rules as he may prescribe, to allot not to exceed one hundred and sixty acres of nonmineral land in the district of Alaska to any Indian or Eskimo of full or mixed blood who resides in and is a native of said district, and who is the head of a family, or is twenty-one years of age; and the land so allotted shall be deemed the homestead of the allottee and his heirs in perpetuity, and shall be inalienable and nontaxable until otherwise provided by Congress. Any person qualified for an allotment as aforesaid shall have the preference right to secure by allotment the nonmineral land occupied by him not exceeding one hundred and sixty acres. [34 Stat. L. 197.]

An Act To prohibit aliens from fishing in the waters of Alaska.

[Act of June 14, 1906, ch. 3299, 34 Stat. L. 263.]

[SEC. 1.] [*Fishing in waters of, by aliens, except with rod, etc., prohibited — sale of fish to aliens permitted — alien labor may be employed.*] That it shall be unlawful for any person not a citizen of the United States, or who has declared his intention to become a citizen of the United States, and is not a bona fide resident therein, or for any company, corporation, or association not organized or authorized to transact business under the laws of the United States or under the laws of any State, Territory, or district thereof, or for any person not a native of Alaska, to catch or kill, or attempt to catch or kill, except with rod, spear, or gaff, any fish of any kind or species whatsoever in any of the waters of Alaska under the jurisdiction of the United States: *Provided, however,* That nothing contained in this Act shall prevent those lawfully taking fish in the said waters from selling the same, fresh or cured, in Alaska or in Alaskan waters, to any alien person, company, or vessel then being lawfully in said waters: *And provided further,* That nothing contained in this Act shall prevent any person, firm, corporation, or association lawfully entitled to fish in the waters of Alaska from employing as laborers any aliens who can now be lawfully employed under the existing laws of the United States, either at stated wages or by piecework, or both, in connection with Alaskan fisheries, or with the canning, salting or otherwise preserving of fish. [34 Stat. L. 263.]

SEC. 2. [*Penalty for violations.*] That every person, company, corporation, or association found guilty of a violation of any provision of this Act or of any regulation made thereunder shall, for each offense, be fined not less than one hundred dollars nor more than five hundred dollars, which fine shall be a

lien against any vessel or other property of the offending party or which was used in the commission of such unlawful act. Every vessel used or employed in violation of any provision of this Act or of any regulation made thereunder shall be liable to a fine of not less than one hundred dollars nor more than five hundred dollars, and may be seized and proceeded against by way of libel in any court having jurisdiction of the offense. [34 Stat. L. 264.]

SEC. 3. [*Prosecution.*] That the violation of any provision of this Act or of any regulation made thereunder may be prosecuted in any United States district court of Alaska, California, Oregon, or Washington. [34 Stat. L. 264.]

SEC. 4. [*Seizures and arrests.*] That the collector of customs of the district of Alaska is hereby authorized to search and seize every foreign vessel and arrest every person violating any provision of this Act or any regulation made thereunder, and the Secretary of Commerce and Labor shall have power to authorize officers of the Navy and of the Revenue-Cutter Service and agents of the Department of Commerce and Labor to likewise make such searches, seizures, and arrests. If any foreign vessel shall be found within the waters to which this Act applies, having on board fresh or cured fish and apparatus or implements suitable for killing or taking fish, it shall be presumed that the vessel and apparatus were used in violation of this Act until it is otherwise sufficiently proved. And every vessel, its tackle, apparatus, or implements so seized shall be given into the custody of the United States marshal of either of the districts mentioned in section three of this Act, and shall be held by him subject to the proceedings provided for in section two of this Act. The facts in connection with such seizure shall be at once reported to the United States district attorney for the district to which the vessel so seized shall be taken, whose duty it shall be to institute the proper proceedings. [34 Stat. L. 264.]

SEC. 5. [*Enforcement of regulations — existing treaties, etc., not affected.*] That the Secretary of Commerce and Labor shall have power to make rules and regulations not inconsistent with law to carry into effect the provisions of this Act. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act and the rules and regulations made thereunder, and for that purpose he may employ, through the Secretary of the Treasury and the Secretary of the Navy, the vessels of the United States Revenue-Cutter Service and of the Navy: *Provided, however,* That nothing contained in this Act shall be construed as affecting any existing treaty or convention between the United States and any foreign power. [34 Stat. L. 264.]

An Act For the protection and regulation of the fisheries of Alaska.

[Act of June 26, 1906, ch. 3547, 34 Stat. L. 478.]

[SEC. 1.] [*Salmon, etc., canneries — license tax on products — collection.*] That every person, company, or corporation carrying on the business of canning, curing, or preserving fish or manufacturing fish products within the territory known as Alaska, ceded to the United States by Russia by the treaty of March thirtieth, eighteen hundred and sixty-seven, or in any of the waters of Alaska over which the United States has jurisdiction, shall, in lieu of all other license fees and taxes therefor and thereon, pay license taxes on their said business and output as follows: Canned salmon, four cents per case; pickled salmon, ten cents per barrel; salt salmon in bulk, five cents per one hundred pounds; fish oil, ten cents per barrel; fertilizer, twenty cents per ton.

The payment and collection of such license taxes shall be under and in accordance with the provisions of the Act of March third, eighteen hundred and ninety-nine, entitled "An Act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for the district," and amendments thereto. [34 Stat. L. 478.]

The Act of March 3, 1899, above referred to, is given in 1 Fed. Stat. Annot. 303 *et seq.*

SEC. 2. [*Private hatcheries — exemption for fry liberated — rate — inspection — approval — proof of amount liberated — statements to be filed — issue of certificates — acceptance for taxes — efficiency required.*] That the catch and pack of salmon made in Alaska by the owners of private salmon hatcheries operated in Alaska shall be exempt from all license fees and taxation of every nature at the rate of ten cases of canned salmon to every one thousand red or king salmon fry liberated, upon the following conditions: That the Secretary of Commerce and Labor may from time to time, and on the application of the hatchery owner shall, within a reasonable time thereafter, cause such private hatcheries to be inspected for the purpose of determining the character of their operations, efficiency, and productiveness, and if he approve the same shall cause notice of such approval to be filed in the office of the clerk or deputy clerk of the United States district court of the division of the district of Alaska wherein any such hatchery is located, and shall also notify the owners of such hatchery of the action taken by him. The owner, agent, officer, or superintendent of any hatchery the effectiveness and productiveness of which has been approved as above provided shall, between the thirtieth day of June and the thirty-first day of December of each year, make proof of the number of salmon fry liberated during the twelve months immediately preceding the thirtieth day of June, by a written statement under oath. Such proof shall be filed in the office of the clerk or deputy clerk of the United States district court of the division of the district of Alaska wherein such hatchery is located, and when so filed shall entitle the respective hatchery owners to the exemption as herein provided; and a false oath as to the number of salmon fry liberated shall be deemed perjury and subject the offender to all the pains and penalties thereof. Duplicates of such statements shall also be filed with the Secretary of Commerce and Labor. It shall be the duty of such clerk or deputy clerk in whose office the approval and proof heretofore provided for are filed to forthwith issue to the hatchery owner, causing such proofs to be filed, certificates which shall not be transferable and of such denominations as said owner may request (no certificate to cover fewer than one thousand fry), covering in the aggregate the number of fry so proved to have been liberated; and such certificates may be used at any time by the person, company, corporation, or association to whom issued for the payment pro tanto of any license fees or taxes upon or against or on account of any catch or pack of salmon made by them in Alaska; and it shall be the duty of all public officials charged with the duty of collecting or receiving such license fees or taxes to accept such certificates in lieu of money in payment of all license fees or taxes upon or against the pack of canned salmon at the ratio of one thousand fry for each ten cases of salmon. No hatchery owner shall obtain the rebates from the output of any hatchery to which he might otherwise be entitled under this Act unless the efficiency of said hatchery has first been approved by the Secretary of Commerce and Labor in the manner herein provided for. [34 Stat. L. 478.]

SEC. 3. [*Stationary obstructions for taking salmon in waters, unlawful.*] That it shall be unlawful to erect or maintain any dam, barricade, fence, trap,

fish wheel or other fixed or stationary obstruction, except for purposes of fish culture, in any of the waters of Alaska at any point where the distance from shore to shore is less than five hundred feet, or within five hundred yards of the mouth of any red-salmon stream where the same is less than five hundred feet in width, with the purpose or result of capturing salmon or preventing or impeding their ascent to their spawning grounds, and the Secretary of Commerce and Labor is hereby authorized and directed to have any and all such unlawful obstructions removed or destroyed. [34 Stat. L. 479.]

SEC. 4. [*Restriction on nets, seines, etc.*] That it shall be unlawful to lay or set any drift net, seine, set net, pound net, trap, or any other fishing appliance for any purpose except for purposes of fish culture, across or above the tide waters of any creek, stream, river, estuary, or lagoon, for a distance greater than one-third the width of such creek, stream, river, estuary, or lagoon, or within one hundred yards outside of the mouth of any red-salmon stream where the same is less than five hundred feet in width. It shall be unlawful to lay or set any seine or net of any kind within one hundred yards of any other seine, net, or other fishing appliance which is being or which has been laid or set in any of the waters of Alaska, or to drive or construct any trap or any other fixed fishing appliance within six hundred yards laterally or within one hundred yards endwise of any other trap or fixed fishing appliance. [34 Stat. L. 479.]

SEC. 5. [*Weekly close season for taking salmon — night seining in small streams prohibited — release of obstructions, etc., during close season.*] That it shall be unlawful to fish for, take, or kill any salmon of any species in any manner or by any means except by rod, spear, or gaff, in any of the waters of Alaska over which the United States has jurisdiction, except Cook Inlet, the Delta of Copper River, Bering Sea, and the waters tributary thereto, from six o'clock postmeridian of Saturday of each week until six o'clock antemeridian of the Monday following, or to fish for, or catch, or kill in any manner or by any appliances except by rod, spear, or gaff, any salmon in any stream of less than one hundred yards in width in Alaska between the hours of six o'clock in the evening and six o'clock in the morning of the following day of each and every day of the week. Throughout the weekly close season herein prescribed the gate, mouth, or tunnel of all stationary and floating traps shall be closed, and twenty-five feet of the webbing or net of the "heart" of such traps on each side next to the "pot" shall be lifted or lowered in such manner as to permit the free passage of salmon and other fishes. [34 Stat. L. 479.]

SEC. 6. [*Spawn grounds to be set aside — close season authorized — notices required — not applicable to artificially stocked streams.*] That the Secretary of Commerce and Labor may, in his discretion, set aside any streams or lakes as preserves for spawning grounds, in which fishing may be limited or entirely prohibited; and when, in his judgment, the results of fishing operations in any stream, or off the mouth thereof, indicate that the number of salmon taken is larger than the natural production of salmon in such stream, he is authorized to establish close seasons or to limit or prohibit fishing entirely for one year or more within such stream or within five hundred yards of the mouth thereof, so as to permit salmon to increase: *Provided, however,* That such power shall be exercised only after all persons interested shall be given a hearing, of which due notice must be given by publication; and where the interested parties are known to the Department they shall be personally notified by a notice mailed not less than thirty days previous to such hearing. No order made under this

section shall be effective before the next calendar year after same is made: *And provided further*, That such limitations and prohibitions shall not apply to those engaged in catching salmon who keep such streams fully stocked with salmon by artificial propagation. [34 Stat. L. 480.]

SEC. 7. [*Canning prohibited forty-eight hours after killing.*] That it shall be unlawful to can or salt for sale for food any salmon more than forty-eight hours after it has been killed. [34 Stat. L. 480.]

SEC. 8. [*Wanton waste of fish unlawful.*] That it shall be unlawful for any person, company, or corporation wantonly to waste or destroy salmon or other food fishes taken or caught in any of the waters of Alaska. [34 Stat. L. 480.]

SEC. 9. [*False branding prohibited — terms permitted.*] That it shall be unlawful for any person, company, or corporation canning, salting, or curing fish of any species in Alaska to use any label, brand, or trade-mark which shall tend to misrepresent the contents of any package of fish offered for sale: *Provided*, That the use of the terms "red," "medium red," "pink," "chum," and so forth, as applied to the various species of Pacific salmon under present trade usages shall not be deemed in conflict with the provisions of this Act when used to designate salmon of those known species. [34 Stat. L. 480.]

SEC. 10. [*Annual reports of fish establishments.*] That every person, company, and corporation engaged in catching, curing, or in any manner utilizing fishery products, or in operating fish hatcheries in Alaska, shall make detailed annual reports thereof to the Secretary of Commerce and Labor, on blanks furnished by him, covering all such facts as may be required with respect thereto for the information of the Department. Such reports shall be sworn to by the superintendent, manager, or other person having knowledge of the facts, a separate blank form being used for each establishment in cases where more than one cannery, saltery, or other establishment is conducted by a person, company, or corporation, and the same shall be forwarded to the Department at the close of the fishing season and not later than December fifteenth of each year. [34 Stat. L. 480.]

SEC. 11. [*Provisions applicable to all species of fish.*] That the catching or killing, except with rod, spear, or gaff, of any fish of any kind or species whatsoever in any of the waters of Alaska over which the United States has jurisdiction, shall be subject to the provisions of this Act, and the Secretary of Commerce and Labor is hereby authorized to make and establish such rules and regulations not inconsistent with law as may be necessary to carry into effect the provisions of this Act. [34 Stat. L. 480.]

SEC. 12. [*Enforcement — officers authorized.*] That to enforce the provisions of this Act and such regulations as he may establish in pursuance thereof, the Secretary of Commerce and Labor is authorized and directed to depute, in addition to the agent and assistant agent of salmon fisheries now provided by law, from the officers and employees of the Department of Commerce and Labor, a force adequate to the performance of all work required for the proper investigation, inspection, and regulation of the Alaskan fisheries and hatcheries, and he shall annually submit to Congress estimates to cover the cost of the establishment and maintenance of fish hatcheries in Alaska, the salaries and actual traveling expenses of such officials, and for such other expenditures as may be necessary to carry out the provisions of this Act. [34 Stat. L. 480.]

SEC. 13. [*Punishment for violations — vessels, etc.*] That any person, company, corporation, or association violating any provision of this Act or any regulation established in pursuance thereof shall, upon conviction thereof, be punished by a fine not exceeding one thousand dollars or imprisonment at hard labor for a term of not more than ninety days, or by both such fine and imprisonment, at the discretion of the court; and in case of the violation of any of the provisions of section four of this Act and conviction thereof a further fine of not more than two hundred and fifty dollars per diem may, at the discretion of the court, be imposed for each day such obstruction is maintained. And every vessel or other apparatus or equipment used or employed in violation of any provision of this Act, or of any regulation made thereunder, may be seized by order of the Secretary of Commerce and Labor, and shall be held subject to the payment of such fine or fines as may be imposed. [34 Stat. L. 481.]

SEC. 14. [*Prosecutions.*] That the violation of any provision of this Act may be prosecuted in any district court of Alaska or any district court of the United States in the States of California, Oregon, or Washington. And it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act and the rules and regulations made thereunder. And it shall be the duty of the district attorney to whom any violation is reported by any agent or representative of the Department of Commerce and Labor to institute proceedings necessary to carry out the provisions of this Act. [34 Stat. L. 481.]

SEC. 15. [*Inconsistent laws repealed.*] That all Acts or parts of Acts inconsistent with the provisions of this Act are, so far as inconsistent, hereby repealed. [34 Stat. L. 481.]

SEC. 16. [*Effect.*] That this Act shall take effect and be in force from and after its passage. [34 Stat. L. 481.]

An Act To provide for the creation of additional land districts in the district of Alaska.

[Act of March 2, 1907, ch. 2537, 34 Stat. L. 1232.]

[SEC. 1.] [*Public lands — Nome and Fairbanks districts, Alaska, created.*] That there are hereby created two additional land districts, the boundaries of which shall be designated by the President, in the district of Alaska, to be known as the Nome land district and the Fairbanks land district, with the land offices located, respectively, at Nome, Alaska, and Fairbanks, Alaska. [34 Stat. L. 1232.]

SEC. 2. [*Registers and receivers — clerks of court and marshals to act.*] That the clerks of the district courts of Nome and Fairbanks shall respectively be ex-officio registers of the land offices at Nome and Fairbanks and the marshals of the said courts at Nome and Fairbanks shall be ex-officio receivers of public moneys for the Nome and Fairbanks land districts. Said officers shall perform the several duties of register of the land office and receiver of public moneys for the land districts with all the powers incident to such offices to the same extent as now performed by the register of the land office and the receiver of public moneys at Juneau, Alaska. [34 Stat. L. 1232.]

SEC. 3. [*Fees, etc. — surplus — no other salary.*] That the said officers shall, in addition to their present compensation as clerk or marshal as provided by law, receive all the fees and commissions allowed by law for their services as registers of land offices and receivers of public moneys for land districts under the land laws: *Provided*, That any fees or commissions in excess of one thousand five hundred dollars per annum received by either such officials shall be paid into the Treasury of the United States: *Provided*, That no other salary than aforesaid shall be paid such registers and receivers. [*34 Stat. L. 1232.*]

SEC. 4. [*Surveys — approval.*] That the surveyor-general of the district of Alaska, under the direction of the Secretary of the Interior, shall furnish the receivers of said land offices a sufficient quantity of numbers to be used in the different classes of official surveys that may be made in said Nome and Fairbanks land districts to meet the requirements thereof, and upon application by any person desiring to have an official survey made the receivers shall furnish a number or numbers for such survey or surveys, together with an order directing a qualified deputy surveyor to make the same, and such application, order, and the fee required to be paid to the surveyor-general in the district of Alaska shall be transmitted to the surveyor-general: *Provided*, That all surveys thus made shall be approved by the surveyor-general as at present. [*34 Stat. L. 1232.*]

SEC. 5. [*Effect.*] That this Act shall take effect and be in force from and after July first, nineteen hundred and seven. [*34 Stat. L. 1232.*]

An Act To amend the laws governing labor or improvements upon mining claims in Alaska.

[*Act of March 2, 1907, ch. 2559, 34 Stat. L. 1243.*]

[SEC. 1.] [*Annual improvements, etc., required on mining claims — filing affidavits — contents — prima facie evidence of performance of work, etc. — forfeiture — officer before whom affidavits may be made — time of filing.*] That during each year and until patent has been issued therefor, at least one hundred dollars' worth of labor shall be performed or improvements made on, or for the benefit or development of, in accordance with existing law, each mining claim in the district of Alaska heretofore or hereafter located. And the locator or owner of such claim or some other person having knowledge of the facts may also make and file with the said recorder of the district in which the claims shall be situate an affidavit showing the performance of labor or making of improvements to the amount of one hundred dollars as aforesaid and specifying the character and extent of such work. Such affidavit shall set forth the following: First, the name or number of the mining claims and where situated; second, the number of days work done and the character and value of the improvements placed thereon; third, the date of the performance of such labor and of making improvements; fourth, at whose instance the work was done or the improvements made; fifth, the actual amount paid for work and improvement, and by whom paid when the same was not done by the owner. Such affidavit shall be prima facie evidence of the performance of such work or making of such improvements, but if such affidavits be not filed within the time fixed by this Act the burden of proof shall be upon the claimant to establish the performance of such annual work and improvements. And upon failure of the locator or owner of any such claim to comply with the provisions of this Act, as to performance of work and improvements, such claim shall become

forfeited and open to location by others as if no location of the same had ever been made. The affidavits required hereby may be made before any officer authorized to administer oaths, and the provisions of sections fifty-three hundred and ninety-two and fifty-three hundred and ninety-three of the Revised Statu[t]es are hereby extended to such affidavits. Said affidavits shall be filed not later than ninety days after the close of the year in which such work is performed. [34 Stat. L. 1243.]

R. S. sec. 5392 is given in 5 Fed. Stat. Annot. 701, and R. S. sec. 5393 is given in 5 Fed. Stat. Annot. 705.

SEC. 2. [*Fee.*] That the recorders for the several divisions or districts of Alaska shall collect the sum of one dollar and fifty cents as a fee for the filing, recording, and indexing said annual proofs of work and improvements for each claim so recorded. [34 Stat. L. 1243.]

An Act To amend an Act entitled "An Act for the protection of game in Alaska, and for other purposes," approved June seventh, nineteen hundred and two.

[Act of May 11, 1908, ch. 162, 35 Stat. L. 102.]

That an Act entitled "An Act for the protection of game in Alaska, and for other purposes," approved June seventh, nineteen hundred and two, be amended to read as follows:

The Act of June 7, 1902, hereby amended, is given in 1 Fed. Stat. Annot. 432.

"[SEC. 1.] [*Wanton destruction of game animals and birds prohibited.*] From and after the passage of this Act the wanton destruction of wild game animals or wild birds, except eagles, ravens, and cormorants, the destruction of nests and eggs of such birds, or the killing of any wild birds, other than game birds, except eagles, for the purposes of selling the same or the skins or any part thereof, except as hereinafter provided, is hereby prohibited.

"GAME DEFINED. — The term 'game animals' shall include deer, moose, caribou, mountain sheep, mountain goats, brown bear, sea lions, and walrus. The term 'game birds' shall include water fowl, commonly known as ducks, geese, brant, and swans; shore birds, commonly known as plover, snipe, and curlew, and the several species of grouse and ptarmigan.

"EXEMPTIONS. — Nothing in this Act shall affect any law now in force in Alaska relating to the fur seal, sea otter, or any fur-bearing animal or prevent the killing of any game animal or bird for food or clothing at any time by natives, or by miners or explorers, when in need of food; but the game animals or birds so killed during close season shall not be shipped or sold. [35 Stat. L. 102.]

"SEC. 2. SEASON. — That it shall be unlawful for any person in Alaska to kill any wild game animals or birds, except during the season hereinafter provided: North of latitude sixty-two degrees, brown bear may be killed at any time; moose, caribou, sheep, walrus, and sea lions from August first to December tenth, both inclusive; south of latitude sixty-two degrees, moose, caribou, and mountain sheep from August twentieth to December thirty-first, both inclusive; brown bear from October first to July first, both inclusive; deer and mountain goats from April first to February first, both inclusive; grouse, ptarmigan, shore birds, and waterfowl from September first to March first, both inclusive: *Provided*, That no caribou shall be killed on the Kenai Peninsula before August twentieth, nineteen hundred and twelve: *And provided*

further, That the Secretary of Agriculture is hereby authorized, whenever he shall deem it necessary for the preservation of game animals or birds, to make and publish rules and regulations prohibiting the sale of any game in any locality modifying the close seasons hereinbefore established, providing different close seasons for different parts of Alaska, placing further restrictions and limitations on the killing of such animals or birds in any given locality, or prohibiting killing entirely for a period not exceeding two years in such locality. [35 Stat. L. 102.]

"SEC. 3. NUMBER. — That it shall be unlawful for any person to kill any female or yearling moose or for any one person to kill in any one year more than the number specified of each of the following animals: Two moose, one walrus or sea lion, three caribou, three mountain sheep, three brown bear, or to kill or have in his possession in any one day more than twenty-five grouse or ptarmigan or twenty-five shore birds or waterfowl.

"GUNS AND BOATS. — That it shall be unlawful for any person at any time to hunt with dogs any of the game animals specified in this Act; to use a shotgun larger than number ten gauge, or any gun other than that which can be fired from the shoulder; or to use steam launches or any boats other than those propelled by oars or paddles in the pursuit of game animals or birds. [35 Stat. L. 103.]

"SEC. 4. SALE. — That it shall be unlawful for any person or persons at any time to sell or offer for sale any hides, skins, or heads of any game animals or game birds in Alaska, or to sell, offer for sale, or purchase, or offer to purchase, any game animals or game birds, or parts thereof, during the time when the killing of such animals or birds is prohibited: *Provided*, That it shall be lawful for dealers having in possession game animals or game birds legally killed during the open season to dispose of the same within fifteen days after the close of said season. [35 Stat. L. 103.]

"SEC. 5. LICENSES. — That it shall be unlawful for any nonresident of Alaska to hunt any of the game animals protected by this Act, except deer and goats, without first obtaining a hunting license, or to hunt on the Kenai Peninsula without a registered guide, and such license shall not be transferable and shall be valid only during the calendar year in which issued. Each applicant shall pay a fee of one hundred dollars for such license, unless he be a citizen of the United States, in which case he shall pay a fee of fifty dollars. Each license shall be accompanied by coupons authorizing the shipment of two moose if killed north of latitude sixty-two degrees, four deer, three caribou, three mountain sheep, three goats, and three brown bear, or any part of said animals, but no more of any one kind.

"A resident of Alaska desiring to export heads or trophies of any of the game animals mentioned in this Act shall first obtain a shipping license, for which he shall pay a fee of forty dollars, permitting the shipment of heads or trophies of one moose, if killed north of latitude sixty-two degrees, four deer, two caribou, two sheep, two goats, and two brown bear, but no more of any one kind; or a shipping license, for which he shall pay a fee of ten dollars, permitting the shipment of a single head or trophy of caribou or sheep; or a shipping license, for which he shall pay a fee of five dollars, permitting the shipment of a single head or trophy of any goat, deer, or brown bear. Any person wishing to ship moose killed south of latitude sixty-two degrees must first obtain a special shipping license, for which he shall pay a fee of one hundred and fifty dollars, permitting the shipment of one moose, or any part

thereof. Not more than one general license and two special moose licenses shall be issued to any one person in one year: *Provided*, That before any trophy shall be shipped from Alaska under the provisions of this Act the person desiring to make such shipment shall first make and file with the customs office at the port where such shipment is to be made an affidavit to the effect that he has not violated any of the provisions of this Act; that the trophy which he desires to ship has not been bought or purchased and has not been sold and is not being shipped for the purpose of being sold, and that he is the owner of the trophy which he desires to ship, and if the trophy is that of moose, whether the animal from which it was taken was killed north or south of latitude sixty-two degrees: *Provided further*, That any resident of Alaska prior to September first, nineteen hundred and eight, may without permit or license ship any head or trophy of any of the game animals herein mentioned upon filing an affidavit with the customs office at the port where such shipment is to be made that the animal from which said head or trophy was taken was killed prior to the passage of this Act. Any affidavit required by the provisions of this Act may be subscribed and sworn to before any customs officer or before any officer competent to administer an oath.

"The governor of Alaska is hereby authorized to issue licenses for hunting and shipping big game. On issuing a license he shall require the applicant to state whether the heads or trophies to be obtained or shipped under said license will pass through the ports of entry at Seattle, Washington, Portland, Oregon, or San Francisco, California, and he shall forthwith notify the collector of customs at the proper port of entry as to the name of the holder of the license and the name and address of the consignee. All proceeds from licenses, except one dollar from each fee, which shall be retained by the clerk issuing the license to cover the cost of printing and issue, shall be paid into the Treasury of the United States as miscellaneous receipts; the amount necessary for the enforcement of this Act shall be estimated for annually by the Agricultural Department and appropriated for including the employment and salaries to be paid to game wardens herein authorized. And the governor shall annually make a detailed and itemized report to the Secretary of Agriculture, in which he shall state the number and kind of licenses issued, the money received, which report shall also include a full statement of all trophies exported and all animals and birds exported for any purpose.

"And the governor of Alaska is further authorized to employ game wardens, to make regulations for the registration and employment of guides, and fix the rates for licensing guides and rates of compensation for guiding. Every person applying for a guide license shall, at the time of making such application, make and file with the person issuing such license an affidavit to the effect that he will obey all the conditions of this Act and of the regulations thereunder, that he will not violate any of the game laws or regulations of Alaska, and that he will report all violations of such laws and regulations that come to his knowledge. Any American citizen or native of Alaska, of good character, upon compliance with the requirements of this Act, shall be entitled to a guide license. Any guide who shall fail or refuse to report any violation of this Act, or who shall himself violate any of the provisions of this Act, shall have his license revoked, and in addition shall be liable to the penalty provided in section seven of this Act, and shall be ineligible to act as guide for a period of five years from the date of conviction. [35 Stat. L. 103.]

"SEC. 6. [*Shipments of wild game.*] That it shall be unlawful for any persons, firm, or corporation, or their officers or agents, to deliver to any common

carrier, or for the owner, agent, or master of any vessel, or for any other person, to receive for shipment or have in possession with intent to ship out of Alaska, any wild birds, except eagles, or parts thereof, or any heads, hides, or carcasses of brown bear, caribou, deer, moose, mountain sheep, or mountain goats, or parts thereof, unless said heads, hides, or carcasses are accompanied by the required license or coupon and by a copy of the affidavit required by section five of this Act: *Provided*, That nothing in this Act shall be construed to prevent the collection of specimens for scientific purposes, the capture or shipment of live animals and birds for exhibition or propagation, or the export from Alaska of specimens under permit from the Secretary of Agriculture, and under such restrictions and limitations as he may prescribe and publish.

"It shall be the duty of the collector of customs at Seattle, Portland, and San Francisco to keep strict account of all consignments of game animals received from Alaska, and no consignment of game shall be entered until due notice thereof has been received from the governor of Alaska or the Secretary of Agriculture, and found to agree with the name and address on the shipment. In case consignments arrive without licenses they shall be detained for sixty days, and if a license be not then produced said consignments shall be forfeited to the United States and shall be delivered by the collector of customs to the United States marshal of the district for such disposition as the court may direct. [35 Stat. L. 104.]

"SEC. 7. PENALTIES. — That any person violating any of the provisions of this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all game or birds in his possession, and all guns, traps, nets, or boats used in killing or capturing said game or birds, and shall be punished for each offense by a fine of not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court. Any person making any false or untrue statements in any affidavit required by this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall forfeit to the United States all trophies in his possession, and shall be punished by a fine in any sum not more than two hundred dollars or imprisonment not more than three months, or by both such fine and imprisonment, in the discretion of the court.

"ENFORCEMENT. — It is hereby made the duty of all marshals and deputy marshals, collectors or deputy collectors of customs, all officers of revenue cutters, and all game wardens to assist in the enforcement of this Act. Any marshal, deputy marshal, or warden in or out of Alaska may arrest without warrant any person found violating any of the provisions of this Act or any of the regulations herein provided, and may seize any game, birds, or hides, and any traps, nets, guns, boats, or other paraphernalia used in the capture of such game or birds and found in the possession of said person in or out of Alaska, and any collector or deputy collector of customs, or warden, or licensed guide, or any person authorized in writing by a marshal shall have the power above provided to arrest persons found violating this Act or said regulations and seize said property without warrant to keep and deliver the same to a marshal or a deputy marshal. It shall be the duty of the Secretary of the Treasury, upon request of the governor or Secretary of Agriculture, to aid in carrying out the provisions of this Act. [35 Stat. L. 105.]

"SEC. 8. [Repeal.] That all Acts or parts of Acts in conflict with the provisions of this Act are hereby repealed." [35 Stat. L. 105.]

An Act To encourage the development of coal deposits in the Territory of Alaska.

[Act of May 28, 1908, ch. 911, 35 Stat. L. 424.]

[SEC. 1.] [*Development of coal deposits — consolidation of claims, etc., permitted — limit of acreage.*] That all persons, their heirs or assigns, who have in good faith personally or by an attorney in fact made locations of coal land in the Territory of Alaska in their own interest, prior to November twelfth, nineteen hundred and six, or in accordance with circular of instructions issued by the Secretary of the Interior May sixteenth, nineteen hundred and seven, may consolidate their said claims or locations by including in a single claim, location, or purchase not to exceed two thousand five hundred and sixty acres of contiguous lands, not exceeding in length twice the width of the tract thus consolidated and for this purpose such persons, their heirs or assigns, may form associations or corporations who may perfect entry of and acquire title to such lands in accordance with the other provisions of law under which said locations were originally made: *Provided*, That no corporation shall be permitted to consolidate its claims under this Act unless seventy-five per centum of its stock shall be held by persons qualified to enter coal lands in Alaska. [35 Stat. L. 424.]

SEC. 2. [*Preference right to purchase product for army and navy reserved.*] That the United States shall, at all times, have the preference right to purchase so much of the product of any mine or mines opened upon the lands sold under the provisions of this Act as may be necessary for the use of the Army and Navy, and at such reasonable and remunerative price as may be fixed by the President; but the producers of any coal so purchased who may be dissatisfied with the price thus fixed shall have the right to prosecute suits against the United States in the Court of Claims for the recovery of any additional sum or sums they may claim as justly due upon such purchase. [35 Stat. L. 424.]

SEC. 3. [*Unlawful trust, etc., forbidden.*] That if any of the lands or deposits purchased under the provisions of this Act shall be owned, leased, trustee, possessed, or controlled by any device permanently, temporarily, directly, indirectly, tacitly, or in any manner whatsoever so that they form part of, or in any way effect any combination, or are in anywise controlled by any combination in the form of an unlawful trust, or form the subject of any contract or conspiracy in restraint of trade in the mining or selling of coal, or of any holding of such lands by any individual, partnership, association, corporation, mortgage, stock ownership, or control, in excess of two thousand five hundred and sixty acres in the district of Alaska, the title thereto shall be forfeited to the United States by proceedings instituted by the Attorney-General of the United States in the courts for that purpose. [35 Stat. L. 424.]

SEC. 4. [*Patents.*] That every patent issued under this Act shall expressly recite the terms and conditions prescribed in sections two and three hereof. [35 Stat. L. 424.]

An Act Providing for the hearing of cases upon appeal from the district court for the district of Alaska in the circuit court of appeals for the ninth circuit.

[Act of Jan. 11, 1909, ch. 15, 35 Stat. L. 585.]

[*Appeals, etc., from district court of Alaska — place of hearing.*] That hereafter all appeals, writs of error, and other cases coming from the district

court for the district of Alaska to the circuit court of appeals for the ninth circuit shall be entered upon the docket and heard at San Francisco, in the State of California, or at Portland, in the State of Oregon, or at Seattle, in the State of Washington, as the trial court before whom the case was tried below shall fix and determine: *Provided, however,* That at any time before the hearing of any appeal, writ of error, or other case, the parties thereto, through their respective attorneys, may stipulate at which of the above-named places the same shall be heard, in which case the case shall be remitted to and entered upon the docket at the place so stipulated and shall be heard there. [35 Stat. L. 585.]

An Act Relating to affairs in the Territories.

[Act of Feb. 6, 1900, ch. 30, 35 Stat. L. 600.]

[SECS. 1-6.] [*Special — relate to issuance of bonds by town of Valdez.*]

SEC. 7. [*Insane persons — care of.*] That the Secretary of the Interior shall hereafter, as in his judgment may be deemed advisable, advertise for and receive bids for the care and custody of persons legally adjudged insane in the district of Alaska, and in behalf of the United States shall contract, for one or more years, as he may deem best, with a responsible asylum or sanitarium west of the main range of the Rocky Mountains submitting the lowest and best responsible bid for the care and custody of persons legally adjudged insane in said district of Alaska, the cost of advertising for bids, executing the contract, and caring for the insane to be paid from appropriations to be made for such service upon estimates to be submitted to Congress annually. So much of the Act approved January twenty-seventh, nineteen hundred and five, entitled "An Act to provide for the construction and maintenance of roads, establishment and maintenance of schools, and care and support of insane persons in the district of Alaska, and for other purposes," as provides that five per centum of the license moneys collected outside of incorporated towns in the district of Alaska shall be devoted to the care and maintenance of such insane persons is hereby repealed, and such five per centum, or so much thereof as may be necessary, shall hereafter be applied to and used for the establishment and maintenance of public schools in said district, under the supervision of the governor. [35 Stat. L. 601.]

For the Act of Jan. 27, 1905, above referred to and partially repealed, see 10 Fed. Stat. Annot. 20.

SEC. 8. [*Liquor licenses.*] That sections four hundred and sixty-four, four hundred and sixty-five, and four hundred and sixty-eight, of an Act entitled "An Act to define and punish crimes in the district of Alaska, and to provide a code of criminal procedure for said district," approved March third, eighteen hundred and ninety-nine, be, and the same are hereby, amended to read as follows:

"SEC. 464. That before any license is granted, as provided in this Act in relation to intoxicating liquor, it shall be shown to the satisfaction of said court that a majority of the white male and female citizens over the age of twenty-one years, within two miles of the place where intoxicating liquor is to be manufactured, bartered, sold, and exchanged or bartered, sold, and exchanged, have, in good faith, consented to the manufacture, barter, sale, and exchange or the barter, sale, and exchange of the same; and the burden shall be upon the applicant or applicants to show to the satisfaction of said court that a

majority of the white male and female citizens of twenty-one years of age or more have consented thereto, and no license shall be granted in the absence of such evidence: *Provided*, That no license shall be granted for the manufacture, barter, sale, or exchange of intoxicating liquors except within incorporated towns, and such other towns, settlements, or communities in which a duly appointed United States commissioner or deputy marshal shall reside, except that the respective district judges may in their discretion grant licenses to the keepers of regularly established road houses on main traveled post-roads and post trails in the district: *And provided*, That when it is made to appear that a majority of said white male and female citizens over the age of twenty-one years, of any one place have consented to the manufacture, barter, sale, and exchange or the barter, sale, and exchange of intoxicating liquor, no further proof of the consent of the citizens of the place where such intoxicating liquor is to be manufactured, bartered, sold, and exchanged or bartered, sold, and exchanged, will be required for twelve months thereafter.

"SEC. 465. That every person applying for a license to sell intoxicating liquors in said district shall file with the clerk of the court a petition for such license, verified by the applicant's oath, and such petition shall be considered and acted upon by the court in the order in which the same was filed and numbered. Said petition shall contain:

"First. The name and residence of the applicant, and how long said applicant has resided there.

"Second. The particular place for which license is desired, designating the same by reference to street, locality, or settlement in such manner that the exact location at which such sale of liquor is proposed may be clearly and definitely determined from the description given.

"Third. The statement that said applicant is a citizen of the United States, or has declared his intention to become such; that said applicant is not less than twenty-one years of age, and that such applicant has not been, since the passage of this Act, adjudged guilty of violating the laws governing the sale of intoxicating liquors, or laws for the prevention of crime in said district.

"Fourth. That said applicant intends to, and if so licensed will, carry on such business for himself and not as agent for any other person.

"Fifth. That said applicant intends to, and if so licensed will, superintend in person the management of the business licensed.

"Sixth. That said applicant will not conduct, maintain, or permit the maintenance of any gambling, dance hall, or bawdy house on or in connection with the premises, nor permit any female or minor in or about the rooms where liquor is sold or served.

"That if any false material statement is made in any part of such petition or affidavit the petitioner or petitioners shall be deemed guilty of perjury, and upon conviction thereof said license shall be revoked and said licensee shall be subject to the penalties provided by law for the crime of perjury.

"That should it appear to the district judge that any of the statements above enumerated, required to be made in the petition, are untrue at the time of application for such license, such application shall be denied.

"That should it appear to the district judge, after the granting of any such license, that any of the statements above enumerated, required to be made in the petition, are untrue, or that the applicant is permitting any of the things to be done or exist on or about the premises contrary to the statements required in the petition, it shall be the duty of such judge to forthwith enter an order revoking such license, and all license moneys deposited by the applicant shall be thereby forfeited, and it shall be the duty of the United States marshals and

their deputies and the United States attorneys and their deputies in said district to investigate and report to the district judge any violations of any of the provisions of this section: *Provided*, That this Act shall not be so construed as to prevent any innkeeper or any person operating a hotel in good faith from receiving as guests women and minors.

"SEC. 468. That the liquor licenses authorized and provided for by this Act shall be of two classes, namely, wholesale and barroom. Every applicant for a license shall deposit the amount of the license fee with the clerk of the court at the time of filing his application therefor; and if upon consideration of such application by the court, as provided for in this Act, the court shall determine to grant the license prayed for, it shall notify the clerk of the court and the applicant in writing and the applicant shall thereupon receive his license.

"That the fee for a wholesale license shall be two thousand dollars per annum, and for a barroom or retail license one thousand dollars per annum: *Provided*, That the fee for a retail license for road houses on regular post roads or trails where the population within two miles of the place where the business is to be conducted does not exceed fifty people, or for a steamboat or steamer operating on the inland rivers of Alaska during the season of open navigation, shall be five hundred dollars per annum: *Provided*, That said steamboat or steamer shall not be authorized to sell intoxicating liquor while in port or dock: *And provided*, That the words towns, camps, or settlements, as used in this Act shall be construed to embrace the population within a radius of two miles of the place wherein the business is to be conducted under the license.

"That a retail or barroom license shall be required for every hotel, tavern, boat, barroom, or other place in which intoxicating liquors are sold at retail.

"That a wholesale license shall only authorize the licensee to sell distilled, malt, or fermented liquors, wines, and cordials in quantities not less than four gallons, not to be drunk upon the premises where sold; and no such license shall be granted until it is satisfactorily shown that the place where it is intended to carry on such business is properly arranged for selling such liquor as merchandise.

"That every place where distilled, malt, or fermented wines, liquors, or cordials are sold in quantities as prescribed for retail dealers by section thirty-two hundred and forty-four of the Revised Statutes of the United States, to be drunk upon the premises, shall be regarded as a barroom; and the possession of malt, distilled, fermented, or any other intoxicating liquors, with the means and appliances for carrying on the business of dispensing the same to be drunk where sold, shall be prima facie evidence of a barroom within the meaning of this Act, and the license therefor shall be known as a barroom license: *Provided*, That no license shall be granted for the sale of liquors at either wholesale or retail in any other than a substantial building which shall have cost for construction not less than five hundred dollars." [35 Stat. L. 601.]

For secs. 464, 465, 468, of the Act of March 3, 1899, above amended, see 1 Fed. Stat. Annot. 410, 411.

SEC. 9. [*Sale of liquor to Indians.*] That section one hundred and forty-two of said Act of March third, eighteen hundred and ninety-nine, be, and the same is hereby, amended to read as follows:

"SEC. 142. That if any person shall, without the authority of the United States, or some authorized officer thereof, sell, barter, or give to any Indian or half-breed who lives and associates with Indians, any spirituous, malt, or

vinous liquor or intoxicating extracts, such person shall be fined not less than one hundred nor more than five hundred dollars or be imprisoned in the penitentiary for a term not to exceed two years.

"That the term 'Indian' in this Act shall be construed to include the aboriginal races inhabiting Alaska when annexed to the United States, and their descendants of the whole or half blood, who have not become citizens of the United States.

"That section nineteen hundred and fifty-five of the Revised Statutes of the United States and all that part of section fourteen of 'An Act providing a civil government for Alaska,' approved May seventeenth, eighteen hundred and eighty-four, after the word 'provided,' is hereby repealed." [35 Stat. L. 603.]

For sec. 142 of the Act of March 3, 1899, as it read prior to this amendment, see 1 Fed. Stat. Annot. 328.

For R. S. sec. 1955, see 1 Fed. Stat. Annot. 42.
For sec. 14 of the Act of May 17, 1894, see 1 Fed. Stat. Annot. 41.

SEC. 10. [*License for practice of medicine.*] That it shall be unlawful for any person to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska, until he or she shall have first obtained a license therefor as hereinafter in this Act prescribed. [35 Stat. L. 603.]

SEC. 11. [*Requirements.*] That no person shall receive a license to practice medicine or surgery, or any of the departments thereof, within the Territory of Alaska until he or she shall have, first, submitted a diploma issued by some legally chartered medical school authorizing the holder thereof to practice medicine or surgery, the requirements for graduation of which medical school shall have been at the time of granting said diploma in no particular less than those prescribed by the Association of American Medical Colleges for that year, or, second, submitted proof of having practiced medicine or surgery, or both, for a period of not less than three successive years continuously prior to the passage of this Act and within the jurisdiction of one of the judicial districts of Alaska. [35 Stat. L. 603.]

SEC. 12. [*Applications.*] That any person desiring to obtain a license to practice medicine or surgery within the Territory of Alaska shall first make application therefor to the clerk of the court of the district in which he desires to practice. The application shall be in writing, and shall state the name of the applicant, his age, his residence, the name and location of the college whence his diploma issued, the length of time, if at all, he has practiced medicine, and where, giving specifically the names of places wherein he has so practiced medicine. The application shall be accompanied by the diploma of the applicant, or duly authenticated copy, as must also an affidavit setting forth that he or she is the person therein named, and that the diploma was procured in the regular manner after the regular course of study prescribed by the medical school granting the same, without fraud or misrepresentation. [35 Stat. L. 604.]

SEC. 13. [*License to resident practitioners — requirements.*] That any applicant for license to practice medicine or surgery within the Territory of Alaska, not in possession of the credentials specified in section three of this Act, may obtain a license at the discretion of the clerk of the district court to whom he applies upon furnishing a properly attested statement, to wit: That he or she is a bona fide resident of Alaska, and has been engaged in the practice of medicine exclusively within the Territory of Alaska for a period of not less than three successive years immediately prior to the passage of this Act. The appli-

cation shall be accompanied by the written recommendation of three bona fide residents of the judicial district wherein the applicant desires to practice, one of whom must be a physician holding a license under section three of this Act, and shall state in a general way applicant's character and professional ability. [35 Stat. L. 604.]

SEC. 14. [*Recording license, etc.*] That every person receiving a license to practice medicine or surgery within the Territory of Alaska shall have such license recorded in the office of the clerk of the court of the district wherein he is practicing, or proposes to practice, within thirty days from date of issuance. And when such licentiate moves into another district for the purpose of continuing the practice of medicine, he shall first file for record with the clerk of the court of the district to which he moves a certified copy of the license. [35 Stat. L. 604.]

SEC. 15. [*Prima facie evidence of practice — emergency cases — commissioned medical officers, etc.*] That any person shall be regarded as practicing medicine within the meaning of this Act who shall within the Territory of Alaska append the letters M. D. to his name, or who shall prescribe or administer or make known his ability or willingness to prescribe or administer drugs, medicines, electricity, magnetism, hydrotherapy, or perform any operation or manipulation, or apply any apparatus or appliance for the cure, alleviation, correction, or reduction of any human disease, ill, deformity, defect, wound, or injury, including midwifery for hire, fee, compensation, or reward, promised, offered, or accepted, directly or indirectly. The doing of any of the acts of this section above mentioned shall be taken to be prima facie evidence on the part of the person so doing to represent himself or herself as engaged in the practice of medicine or surgery or both. But nothing in this Act shall be so construed as to inhibit service in case of emergency, medical or surgical relief of natives of Alaska by employees of the Bureau of Education, or to the domestic administration of family remedies, nor to legally qualified dentists when engaged exclusively in the practice of dentistry. Nor shall this Act apply to any commissioned medical officer in the United States Army or Marine-Hospital Service or Bureau of Education in the discharge of his professional duties, or to any ship's doctor attached to any vessel plying or operating in Alaska. [35 Stat. L. 604.]

SEC. 16. [*Recording licenses, etc. — fee.*] That applications for license to practice medicine within the Territory of Alaska shall be recorded by the clerk of the district court in which they are presented within five days of date of presentation. Said record shall specify under which section of this Act the license be issued, if issued, and the date thereof. The record containing said applications shall be accessible to the public during office hours of the clerk of the court for inspection. A fee of ten dollars shall accompany each application for license. [35 Stat. L. 604.]

SEC. 17. [*Penalty for violation.*] That every person who shall practice, or shall attempt to practice medicine within the meaning of this Act without having first obtained a license therefor as prescribed in this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not less than one hundred dollars nor more than five hundred dollars, or by imprisonment for not less than thirty nor more than one hundred days, or by both fine and imprisonment, and each day of such practice shall constitute a distinct and separate offense. [35 Stat. L. 605.]

SEC. 18. [*Disposition of funds.*] That all moneys collected from licenses or fines under this Act shall be disposed of in the manner already provided for by law applicable to the Territory of Alaska. [35 Stat. L. 605.]

SECS. 19-39. [*Special provisions relating to Hawaii, Arizona, and New Mexico.*]

An Act Authorizing the Attorney-General to appoint as special peace officers such employees of the Alaska school service as may be named by the Secretary of the Interior.

[Act of March 3, 1900, ch. 206, 35 Stat. L. 837.]

[*School employees as special peace officers — authorized to arrest — summary arrests — trials — fees — expenses.*] That the Attorney-General shall have power to appoint, in his discretion, any person employed in the Alaska school service who may be designated by the Secretary of the Interior as a special peace officer of the division of the district of Alaska in which such person resides; and such special peace officer shall have authority to arrest, upon warrant duly issued, any native of the district of Alaska charged with the violation of any of the provisions of the Criminal Code of Alaska (Act March third, eighteen hundred and ninety-nine, second supplement Revised Statutes, page one thousand and three) or any amendment thereof, or any white man charged with the violation of any of said provisions to the detriment of any native of the district of Alaska; and such peace officer shall also have authority to make such arrests, without warrant, for a crime committed or attempted in his presence, or when the person arrested has committed a felony, although not in his presence, or when a felony has in fact been committed and he has reasonable cause for believing the person arrested to have committed it; and any person so arrested shall be taken, in accordance with such rules and regulations as may be prescribed by the Attorney-General, and without unnecessary delay, before a United States commissioner or other judicial officer for trial: *Provided, however,* That no person so appointed shall be entitled to any fees or emoluments of any character whatsoever for performing any of the services herein mentioned, but may be allowed, in the discretion of the Attorney-General, expenses actually and necessarily incurred in connection with such services. [35 Stat. L. 837.]

The Criminal Code of Alaska is given in 1 Fed. Stat. Annot. 303.

SEC. 2. [*District court established — judges — divisions, terms, etc.*] That section four of chapter one of title one of an Act entitled "An Act making further provision for a civil government for Alaska, and for other purposes," approved June sixth, nineteen hundred, is hereby amended so as to read as follows:

"SEC. 4. That there is hereby established a district court for the district of Alaska, with the jurisdiction of circuit and district courts of the United States and with general jurisdiction in civil, criminal, equity, and admiralty causes; and four district judges shall be appointed for the district, each at an annual salary of seven thousand five hundred dollars, who shall during their terms of office reside in the divisions of the district to which they may be respectively assigned by the President. The court shall consist of four divisions, which shall also be recording divisions. Division numbered one shall consist of all that part of the district of Alaska lying east of the one hundred and

forty-first meridian of west longitude. Division numbered two shall consist of all that territory lying west of a line commencing on the Arctic coast at the one hundred and forty-eighth meridian; thence extending south along the easterly watershed of the Colville River to a point on the Rocky Mountain divide between the headwaters of Colville River on the north and west and the waters of the Chapdjar on the south; thence southwesterly along the divide between the waters of the Colville River, the Kotzebue Sound, and Norton Sound on the north and west and the waters of the Yukon on the south to the one hundred and sixty-first meridian of west longitude; thence along said meridian to the Kuskokwim River; thence southwesterly along the center of the channel of said Kuskokwim River to Bering Sea; the said division to include all the islands lying north of the fifty-ninth parallel of north latitude. Division numbered three shall consist of all that territory lying south and west of the line starting on the coast of the Gulf of Alaska at the one hundred and forty-first meridian of west longitude; thence northerly along said meridian to a point due east from Mount Kimball; thence west to summit of Mount Kimball; thence southwesterly along the southerly watershed of the headwaters of Tanana River; thence westerly along the divide between the waters of the Gulf of Alaska on the south and the waters of the Yukon on the north to the summit of Mount McKinley; thence continuing westerly along the divide between the waters of the Gulf of Alaska and Bristol Bay on the south and the waters of the Yukon and Kuskokwim on the north to the one hundred and fifty-ninth meridian of west longitude; thence northwesterly to the Kuskokwim River on the one hundred and sixty-first meridian of west longitude; thence southwesterly along the center of said river to Bering Sea; said division to include the Alaska peninsula, the Aleutian Islands, and all islands along the coast of this district south and west of the said district and all lying south of the fifty-ninth parallel of north latitude. Division numbered four shall consist of all that part of the district of Alaska lying east of the second division and north of the third division. One general term of court shall be held each year at Juneau, and such additional terms at other places in the first division as the Attorney-General may direct. One general term of court shall be held each year at Nome, and such additional terms at other places in the second division as the Attorney-General may direct. One general term of court shall be held each year at Valdez, and such additional terms at other places in the third division as the Attorney-General may direct. One general term of court shall be held each year at Fairbanks, and such additional terms at other places in the fourth division as the Attorney-General may direct. Each of the judges is authorized and directed to hold such special terms of court as may be necessary for the public welfare or for the dispatch of the business of the court at such times and places in their respective districts as any of them, respectively, may deem expedient, or as the Attorney-General may direct; and each shall have authority to employ interpreters and to make allowances for the necessary expenses of his court, and to employ an official court stenographer at such compensation as shall be fixed by the Attorney-General. At least thirty days' notice shall be given by the judge, or the clerk, of the time and place of holding the several terms of the court." [35 Stat. L. 839.]

This and the following sections 3-10 are from the Act of March 3, 1909, ch. 269, entitled "An Act to amend section eighty-six of an act to provide a government for the territory of Hawaii, to provide for additional judges, and for other judicial purposes." Section 26 of this Act, given *post*, under the

title STATES, provides that it shall take effect July 1, 1909, and repeals conflicting provisions.

Section 4 of the Act of June 6, 1900, hereby amended, is set forth in 1 Fed. Stat. Annot. 23.

SEC. 3. [*Clerks — duties — fees — moneys received, etc.*] That section seven of said chapter one of title one is hereby amended so as to read as follows:

“SEC. 7. That four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney-General may direct. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury: *Provided*, That moneys accruing from violations of the customs laws, civil customs cases, or internal-revenue cases, moneys, not including costs, accruing from civil post-office suits, fines in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section thirty-six hundred and eighteen, Revised Statutes as amended, and any other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And ‘after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States and be covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be ex officio recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safe-keeping of his official records where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney-General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid.’” [35 Stat. L. 840.]

For sec. 7 of the Act hereby amended see 1 Fed. Stat. Annot. 25.

SEC. 4. [*District attorneys.*] That section eight of said chapter one of title one is hereby amended so as to read as follows:

“SEC. 8. That four district attorneys shall be appointed for the district, one of whom shall be assigned to each division and shall reside at such place in the division as the Attorney-General shall direct. They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law; and they shall each receive a salary of five thousand dollars per annum and shall not while in office accept retainers or engage in any other law business in the district than that pertaining to the duties of their office. The Attorney-General may, upon the recommendation of the district attorney, appoint and at pleasure remove one or more assistant district attorneys and one or more clerical assistants, who shall

receive such compensation as the Attorney-General may fix, to be paid as other assistant United States district attorneys and clerical assistants are paid. In the case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed." [35 Stat. L. 841.]

For sec. 8 of the Act hereby amended see 1 Fed. Stat. Annot. 25.

SEC. 5. [*Accounts of commissioners and deputy marshals.*] That section eleven of chapter one, title one, of said Act is hereby amended so as to read as follows:

"SEC. 11. That an accurate detailed account of all fees earned and expenses incurred by commissioners and deputy marshals shall be prepared in duplicate quarterly, duly verified by the oath of the commissioner or deputy marshal rendering the account, and forwarded to the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law. After approval by the judge the original of each such account shall be forwarded by the clerk to the Department of Justice for revision and the duplicate filed in the court. All net fees earned in excess of the sum of three thousand dollars per calendar year or in excess of that rate for a less period, by any commissioner or deputy marshal, shall be annually paid to the clerk of the proper division of the court to be available for incidental expenses of the district court of the proper division, such payment of such incidental expenses to be accompanied by a verified detailed statement of said clerk." [35 Stat. L. 841.]

For sec. 11 of the Act hereby amended see 1 Fed. Stat. Annot. 27.

SEC. 6. [*Four marshals authorized.*] That four United States marshals shall be appointed for the district, one of whom shall be assigned to each division, and shall reside at such place in the division as the Attorney-General shall direct. [35 Stat. L. 841.]

SEC. 7. [*Deputy clerks — duties.*] That section seven hundred and twenty-eight of chapter seventy-four, title two, of said Act is hereby amended so as to read as follows:

"SEC. 728. That each deputy clerk has the power to perform any act or duty relating to the clerk's office that his principal has, and his principal is responsible for his conduct and for all money received by him in his official capacity." [35 Stat. L. 841.]

For sec. 728 of the Act hereby amended see 1 Fed. Stat. Annot. 184.

SEC. 8. [*Terms of present officers not affected — officers in third division — assignments.*] That nothing in this Act shall be construed to limit or terminate the term of office of any of the judges, district attorneys, or marshals now serving in Alaska; but each shall serve out the term for which he was appointed unless sooner removed. The judge, district attorney, and marshal now serving in the third division of said district shall hereafter have their residence and hold their respective offices in the fourth division created by this Act: *Provided*, That the President may, in his discretion, change the assignment of any of said officers from one division to another. [35 Stat. L. 842.]

SEC. 9. [*Schedule of commissioners' fees repealed — schedule to be prepared.*] That section seven hundred and seventy-one of chapter eighty, title two, of said Act, approved June sixth, nineteen hundred, be, and the same is hereby, repealed, and the Attorney-General is authorized and directed to pre-

scribe a schedule of fees for the services rendered by the United States commissioners acting as ex officio probate judges. [35 Stat. L. 842.]

For sec. 771 of the Act hereby amended see 1 Fed. Stat. Annot. 192.

SEC. 10. [*Modification of time for court transmitting accounts allowed.*] That when, in the opinion of the Attorney-General, it will be impossible for the accounts of any court official or other person whose accounts pertain to the United States courts in Alaska to be transmitted to the Department of Justice within the period prescribed by law, the Attorney-General may modify, as he may deem proper, any requirement of law concerning the time when such accounts shall be rendered and transmitted. [35 Stat. L. 842.]

See note under sec. 2, *supra*.

[SEC. 1.] [*Reindeer — disposal of.*] All reindeer owned by the United States in Alaska shall, as soon as practicable, be turned over to missions in or natives of Alaska, to be held and used by them under such conditions as the Secretary of the Interior shall prescribe. The Secretary of the Interior may authorize the sale of surplus male reindeer and make regulations for the same. The proceeds of such sale shall be turned into the Treasury of the United States. [35 Stat. L. 220.]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

The same provision occurs in the Sundry Civil Appropriation Act of May 27, 1908, ch. 200, 35 Stat. L. 351.

ALCOHOL.

Tax on, see INTERNAL REVENUE.

ALIENS.

See CITIZENSHIP; IMMIGRATION; NATURALIZATION.

AMBASSADORS.

See DIPLOMATIC AND CONSULAR OFFICERS.

AMERICAN ANTIQUITIES.

See ANTIQUITIES.

AMERICAN NATIONAL RED CROSS.

See CHARITIES.

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See STATE DEPARTMENT.

ANIMAL INDUSTRY, BUREAU OF.

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ANIMALS.

Act of June 29, 1906, Ch. 3594, 43.

- Sec. 1. Transportation of Animals — Time Limit for Continuous Confinement on Cars and Vessels — Extension of Time by Written Request — Time of Unloading and Loading Not Included — Sheep, 43.*
2. *Feeding Animals at Expense of Owner — Lien upon Animals for Costs — Owner May Furnish Food, 44.*
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- Sec. 1. Meat and Meat Animal Inspection — Examination of Animals Before Killing — Diseased Animals to Be Set Apart, etc., 46.*
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Act of May 23, 1908, Ch. 192, 52.

- Sec. 1. Inspection of Dairy Products for Export — Serums, etc., for Treatment of Diseases of Animals, 52.*

An Act To prevent cruelty to animals while in transit by railroad or other means of transportation from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, and repealing sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the United States Revised Statutes.

[Act of June 29, 1906, ch. 3594, 34 Stat. L. 607.]

[SEC. 1.] [*Transportation of animals — time limit for continuous confinement on cars and vessels — extension of time by written request — time of unloading and loading not included — sheep.*] That no railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, whose road forms any part of a line of road over which cattle, sheep, swine, or other animals shall be conveyed from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, or the owners or masters of steam, sailing, or other vessels carrying or transporting cattle, sheep, swine, or other animals from one State or Territory or the District of Columbia into or through another State or Territory or the District of Columbia, shall confine the same in cars, boats, or vessels of any description for a period longer than twenty-eight consecutive hours without unloading the same in a humane manner, into properly equipped pens for rest, water, and feeding, for a period of at least five consecutive hours, unless prevented by storm or by other accidental or unavoidable causes which can not be anticipated or avoided by the exercise of due diligence and foresight: *Provided*, That upon the written request of the owner or person in custody of that particular shipment, which written request shall be separate and apart from any printed bill of lading, or other railroad form, the time of confinement may be extended to thirty-six hours. In estimating such confinement, the time consumed in loading and unloading shall not be considered, but the time during which the animals have been confined without such rest or food or water on connecting roads shall be included, it being the intent of this Act to prohibit their continuous confinement beyond the period of twenty-eight hours, except upon the contingencies hereinbefore stated: *Provided*, That it shall not be required that sheep be unloaded in the nighttime, but where the time expires in the nighttime in case of sheep the same may continue in transit to a suitable place for unloading, subject to the aforesaid limitation of thirty-six hours. [34 Stat. L. 607.]

The purpose of this statute is twofold — to insure humane treatment of animals while in transportation and to subserve the interests of the owner or shipper as far as possible in consonance with such treatment. *U. S. v. Oregon R., etc., Co.*, 163 Fed. 640.

The plain intent of the Act is to prohibit the continuous confinement of live stock by transportation companies more than the number of hours specified at any one time, and it is immaterial that a part of the period of confinement elapses while the stock are in the possession of a connecting carrier. *U. S. v. Oregon Short Line R. Co.*, 160 Fed. 526.

This statute comes within the constitutional right of Congress. *U. S. v. New York Cent., etc., R. Co.*, 156 Fed. 250.

The provision that the period of confinement may be extended from twenty-eight to thirty-six hours by consent of the owner or shipper does not render the Act unconstitutional as a delegation of legislative power.

The waiver by the shipper of a detriment to himself is not an act of legislation. *U. S. v. Oregon R., etc., Co.*, (1908) 163 Fed. 640.

Persons affected. — A stockyards company, which is authorized to acquire real estate, construct and maintain railroad tracks thereon, and own or lease and operate locomotives and cars upon and over the same, and which has acquired real estate and constructed some seven miles of tracks thereon, and owns three locomotives which it operates with its own employees upon such tracks in hauling cars of all railroad companies, loaded with live stock or packing-house products — is a railroad company or common carrier other than by water, within the meaning of this Act. *U. S. v. Sioux City Stockyards Co.*, 162 Fed. 556.

Live stock had been carried into a state by a railroad which connected with the defendant, the animals having been confined *en route* for forty-three hours when they were accepted by the defendant company. The defendant

transported them a short distance to its pens, for rest, watering, and feeding, where they arrived about four hours after acceptance. On demurrer to a complaint alleging these matters, it was contended by the defendant that when the period of twenty-eight hours specified in the statute elapsed, the initial carrier had the possession of the animals, and therefore that it only could be held liable for an infraction of the law. For the government it was rejoined that by accepting the stock after twenty-eight hours had elapsed the defendant was *prima facie* guilty. The court held that the complaint sufficiently alleged a cause of action. *U. S. v. New York Cent., etc., R. Co.*, 156 Fed. 250.

An unavoidable accident or occurrence is one which cannot be avoided by that degree of prudence, foresight, care, and caution which the law requires of every one under the circumstances of the particular case; that is, such care and caution as would have been exercised by a man of ordinary prudence under the circumstances of the particular case. If an accident occurs to a train on which stock is being transported, and, the accident is caused by the negligence of the company so transporting the stock, and as a result of the negligence and accident the stock is confined for a longer period than the statutory time, it is no excuse for the violation of the law. *U. S. v. Southern Pac. Co.*, 157 Fed. 459.

Failure to provide unloading stations, congested traffic conditions reasonably to be anticipated from past experience, and breakdowns *en route* resulting from negligent operation or omission to furnish properly equipped and inspected engines and cars are not accidental or unavoidable causes which cannot be anticipated and avoided by due diligence and foresight. *U. S. v. Atchison, etc., R. Co.*, 166 Fed. 160, 163.

Mere press of business is no excuse for confining stock for a longer period than the time allowed by the law, *U. S. v. Union Pac. R. Co.*, (C. C. A.) 189 Fed. 68; *U. S. v. Southern Pac. Co.*, 157 Fed. 459. And sidetracking to allow passenger trains or fast freight trains the right of way is no excuse or defense

for the violation of the law, providing the meeting of such trains could have been anticipated at the time the stock train was dispatched from its loading point. In such a case it is the duty of the carrier to provide sidings and sufficient tracks properly to handle its business and to avoid carrying stock for a period longer than the law prescribes. And it is the further duty of the carrier to provide a sufficient number of suitably equipped corrals or stockyards in which to unload stock which it may undertake to transport, and in which the stock may have suitable care, food, water, and rest. In other words, the company must transact its business in view of its known condition, and if the traffic on the road is so congested that any one would reasonably know that it would not be possible to get a train of stock through between two unloading points within the time prescribed by law, the carrier is responsible therefor. It must exercise reasonable care and foresight; and when it knows that there is any cause which would prevent the delivery of the stock it should not accept the animals. *U. S. v. Southern Pac. Co.*, 157 Fed. 459.

The words "in the nighttime," with reference to the unloading of sheep, mean the period between the termination of daytime on the evening of one day and the earliest dawn of the next morning. *U. S. v. Southern Pac. Co.*, 157 Fed. 461.

The meaning of this express provision is that, where the twenty-eight-hour period expires in the nighttime, the carrier is authorized to continue the confinement of sheep for thirty-six hours, even without the shipper's request, but not longer than thirty-six hours, as declared by the proviso "subject to the aforesaid limitation of thirty-six hours." Where the thirty-six-hour period will expire in the nighttime, the carrier should unload during the preceding day. *U. S. v. Atchison, etc., R. Co.*, 166 Fed. 160, 163.

This statute must be strictly construed. *U. S. v. New York Cent., etc., R. Co.*, 156 Fed. 251.

See also *infra*, notes to other sections.

SEC. 2. [Feeding animals at expense of owner — lien upon animals for costs — owner may furnish food.] That animals so unloaded shall be properly fed and watered during such rest either by the owner or person having the custody thereof, or in case of his default in so doing, then by the railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or by the owners or masters of boats or vessels transporting the same, at the reasonable expense of the owner or person in custody thereof, and such railroad, express company, car company, common carrier other than by water, receiver, trustee, or lessee of any of them, owners or masters, shall in such case have a lien upon such animals for food, care, and custody furnished, collectible at their destination in the same manner as the transportation charges are collected, and shall not be liable for any detention of such animals, when such detention is of reasonable duration, to enable compliance with section one of this Act; but nothing in this section shall be construed to prevent the owner or shipper of animals from furnishing food therefor, if he so desires. [34 Stat. L. 608.]

SEC. 3. [Penalty for noncompliance — exception.] That any railroad, express company, car company, common carrier other than by water, or the receiver, trustee, or lessee of any of them, or the master or owner of any steam, sailing, or other vessel who knowingly and willfully fails to comply with the provisions of the two preceding sections shall for every such failure be liable for and forfeit and pay a penalty of not less than one hundred nor more than five hundred dollars: *Provided*, That when animals are carried in cars, boats, or other vessels in which they can and do have proper food, water, space, and opportunity to rest the provisions in regard to their being unloaded shall not apply. [34 Stat. L. 608.]

The terms "knowingly and willfully," as used in this law, do not import an evil or criminal intent, but mean that the acts were done intentionally or purposely. *U. S. v. Sioux City Stock Yards Co.*, 162 Fed. 556; *New York Cent., etc., R. Co. v. U. S.*, (C. C. A.) 165 Fed. 840; *U. S. v. Atchison, etc., R. Co.*, 166 Fed. 163; *U. S. v. Union Pac. R. Co.*, (C. C. A.) 169 Fed. 65; *St. Louis, etc., R. Co. v. U. S.*, (C. C. A.) 169 Fed. 71.

"Knowingly" evidently means with a knowledge of the facts which taken together constitute the failure to comply with the statute, as is the case where one carrier receives from another a car loaded with cattle, and, with knowledge of how long they then had been confined in the car without rest, water, or food, prolongs the confinement until the statutory limit is exceeded." *St. Louis, etc., R. Co. v. U. S.*, 169 Fed. 69.

Where a railroad company, as soon as it learns that live stock coming into its custody have been confined for a greater period than that allowed by the statute, thereupon, with all reasonable dispatch with the facilities at its command, unloads them, it does not incur the penalty of the statute. *U. S. v. Sioux City Stock Yards Co.*, 162 Fed. 556.

Knowledge of a railroad company's servants and agents that animals are being

transported in violation of the provisions of this Act is knowledge of the company, and renders the company liable to the penalty provided by the above section. *Montana Cent. R. Co. v. U. S.*, (1908) 164 Fed. 400.

Penalty.—Several offenses may be committed in the transportation of a single train load, as the statute deals with separate shipments or consignments each of which requires the imposition of the penalty. *U. S. v. Southern Pac. Co.*, 157 Fed. 463; *U. S. v. Baltimore, etc., R. Co.*, 159 Fed. 33, 86 C. C. A. 223, *followed in New York Cent., etc., R. Co. v. U. S.*, 165 Fed. 843, and *U. S. v. New York Cent., etc., R. Co.*, (C. C. A.) 168 Fed. 699; *U. S. v. Atchison, etc., R. Co.*, 166 Fed. 164. And there are as many violations of the law, even though it should be in relation to the same stock on the same train, as the periods of confinement of the stock between loading and the next unloading may be in excess of the statutory time prescribed for such confinement between the point of original departure and the final destination of that particular shipment. *U. S. v. Southern Pac. Co.*, 157 Fed. 459.

When there has been a verdict in favor of the government the duty of fixing the amount of the penalty devolves upon the court. *U. S. v. Southern Pac. Co.*, 162 Fed. 414.

SEC. 4. [Prosecutions.] That the penalty created by the preceding sections shall be recovered by civil action in the name of the United States in the circuit or district court holden within the district where the violation may have been committed or the person or corporation resides or carries on business; and it shall be the duty of United States attorneys to prosecute all violations of this Act reported by the Secretary of Agriculture, or which come to their notice or knowledge by other means. [34 Stat. L. 608.]

Nature of proceeding.—So far as the ordinary rules of pleading and proof are concerned a suit under this statute is to be regarded as a civil proceeding. *U. S. v. Southern Pac. R. Co.*, 157 Fed. 469; *U. S. v. Southern Pac. R. Co.*, 162 Fed. 412; *Montana Cent. R. Co. v. U. S.*, 164 Fed. 400; *New York Cent., etc., R. Co. v. U. S.*, (C. C. A.) 165 Fed. 837. *Contra, U. S. v. Louisville, etc., R. Co.*, 157 Fed. 979.

The proceeding for a violation of the Act being of a civil nature, the government is bound to support its case by only a preponderance of evidence. *U. S. v. Southern Pac. Co.*, 157 Fed. 462; *New York Cent., etc., R. Co. v. U. S.*, (C. C. A.) 165 Fed. 837. And for the same reason writ of error lies at the instance

of the government. *U. S. v. Baltimore, etc., R. Co.*, 159 Fed. 33, 86 C. C. A. 223; *Montana Cent. R. Co. v. U. S.*, (C. C. A.) 164 Fed. 400; *U. S. v. New York Cent., etc., R. Co.*, (C. C. A.) 168 Fed. 699.

Venue.—Neither section 2 of article 3 of the Constitution nor the Sixth Amendment thereto operates to require that an action to recover a penalty incurred out of the limits of a state under this Act be brought or tried in the district wherein the violation occurs; and such an action lawfully may be brought and tried in the district wherein the defendant resides or carries on business, as is provided in the above section. *St. Louis, etc., R. Co. v. U. S.*, (C. C. A.) 169 Fed. 69.

Allegations of declaration or complaint and

proof thereof. — An objection that the declaration in an action to recover the penalty prescribed by the statute does not discriminate clearly as to whether the defendant was "lessee" of the road upon which the violation of the statute took place is unavailing after verdict, where the declaration follows the language of the Act. *New York Cent., etc., R. Co. v. U. S., (C. C. A.) 165 Fed. 836.*

The substitution for the word "confine," named in the statute, of other words having the same effect is no ground of objection, especially after verdict. *New York, etc., R. Co. v. U. S., (C. C. A.) 165 Fed. 836.*

The matters of excuse relating to storms and other accidental or unavoidable causes, incorporated into the first sentence of the first section of this Act, must be negatived, but those contained in the proviso of the same section need not. *New York Cent., etc., R. Co. v. U. S., (C. C. A.) 165 Fed. 837. Compare U. S. v. Oregon Short Line R. Co., 160 Fed. 526, holding that, in order to state a cause of action for a violation of the statute, the government need not expressly negative the contingencies contemplated by this provision;*

but also that the allegation that the defendant acted "wilfully" in itself negatives these matters of exception.

While the negative allegation relating to storms must be supported by some evidence (which may be done by the records of the Weather Bureau), *New York Cent., etc., R. Co. v. U. S., (C. C. A.) 165 Fed. 839*; yet that concerning "other accidental or unavoidable causes" need not, but first must be met by proof from the defendant, *New York Cent., etc., R. Co. v. U. S., (C. C. A.) 165 Fed. 839*; *U. S. v. Oregon Short Line R. Co., 160 Fed. 530.*

The words "knowingly and wilfully" appearing in the third section of this Act require, as proof of intent, only evidence of a knowledge of the facts by the defendant. *New York Cent., etc., R. Co. v. U. S., 165 Fed. 840.*

A failure to allege that the defendant "knowingly" and "wilfully" confined the live stock is a fatal defect. *U. S. v. Oregon Short Line R. Co., 160 Fed. 530.*

The burden of proof rests upon the government. *U. S. v. Southern Pac. Co., 157 Fed. 462.*

SEC. 5. [*Repeals.*] That sections forty-three hundred and eighty-six, forty-three hundred and eighty-seven, forty-three hundred and eighty-eight, forty-three hundred and eighty-nine, and forty-three hundred and ninety of the Revised Statutes of the United States be, and the same are hereby, repealed. [*34 Stat. L. 608.*]

The above-named sections of the Revised Statutes are in the title ANIMALS, 1 Fed. Stat. Annot. 444-447.

An Act Making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, nineteen hundred and eight.

[*Act of March 4, 1907, ch. 2907.*]

[SEC. 1.] [*Meat and meat animal inspection — examination of animals before killing — diseased animals to be set apart, etc.*] * * * FOR MEAT INSPECTION: That hereafter, for the purpose of preventing the use in interstate or foreign commerce, as hereinafter provided, of meat and meat food products which are unsound, unhealthful, unwholesome, or otherwise unfit for human food, the Secretary of Agriculture, at his discretion, may cause to be made, by inspectors appointed for that purpose, an examination and inspection of all cattle, sheep, swine, and goats before they shall be allowed to enter into any slaughtering, packing, meat-canning, rendering, or similar establishment, in which they are to be slaughtered and the meat and meat food products thereof are to be used in interstate or foreign commerce; and all cattle, swine, sheep, and goats found on such inspection to show symptoms of disease shall be set apart and slaughtered separately from all other cattle, sheep, swine, or goats, and when so slaughtered the carcasses of said cattle, sheep, swine, or goats shall be subject to a careful examination and inspection, all as provided by the rules and regulations to be prescribed by the Secretary of Agriculture, as herein provided for. [*34 Stat. L. 1260.*]

[*Post-mortem examination at packing, etc., houses — labeling — destruction of condemned meats — reinspection, etc.*] That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made by inspectors

appointed for that purpose, as hereinafter provided, a post-mortem examination and inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats to be prepared for human consumption at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment in any State, Territory, or the District of Columbia for transportation or sale as articles of interstate or foreign commerce; and the carcasses and parts thereof of all such animals found to be sound, healthful, wholesome, and fit for human food shall be marked, stamped, tagged, or labeled as "Inspected and passed;" and said inspectors shall label, mark, stamp, or tag as "Inspected and condemned" all carcasses and parts thereof of animals found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food; and all carcasses and parts thereof thus inspected and condemned shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any such establishment which fails to so destroy any such condemned carcass or part thereof, and said inspectors, after said first inspection, shall, when they deem it necessary, reinspect said carcasses or parts thereof to determine whether since the first inspection the same have become unsound, unhealthful, unwholesome, or in any way unfit for human food, and if any carcass or any part thereof shall, upon examination and inspection subsequent to the first examination and inspection, be found to be unsound, unhealthful, unwholesome, or otherwise unfit for human food, it shall be destroyed for food purposes by the said establishment in the presence of an inspector, and the Secretary of Agriculture may remove inspectors from any establishment which fails to so destroy any such condemned carcass or part thereof. [34 Stat. L. 1260.]

The regulations prescribed by the secretary of agriculture have the force of law. State v. Peet, (Vt. 1908) 68 Atl. 663.

[*Examination before use for food products — re-examination on return of goods.*] The foregoing provisions shall apply to all carcasses or parts of carcasses of cattle, sheep, swine, and goats, or the meat or meat products thereof which may be brought into any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and such examination and inspection shall be had before the said carcasses or parts thereof shall be allowed to enter into any department wherein the same are to be treated and prepared for meat food products; and the foregoing provisions shall also apply to all such products which, after having been issued from any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, shall be returned to the same or to any similar establishment where such inspection is maintained. [34 Stat. L. 1261.]

[*Inspectors to be appointed at canning, etc., establishments — marks of inspection — destruction if unfit for food — application to export trade — domestic use.*] That for the purposes hereinbefore set forth the Secretary of Agriculture shall cause to be made, by inspectors appointed for that purpose, and examination and inspection of all meat food product prepared for interstate or foreign commerce in any slaughtering, meat-canning, salting, packing, rendering, or similar establishment, and for the purposes of any examination and inspection said inspectors shall have access at all times, by day or night, whether the establishment be operated or not, to every part of said establishment; and said inspectors shall mark, stamp, tag, or label as "Inspected and passed" all such products found to be sound, healthful, and wholesome, and which contain no dyes, chemicals, preservatives, or ingredients which render

SEC. 3. [*Clerks — duties — fees — moneys received, etc.*] That section seven of said chapter one of title one is hereby amended so as to read as follows:

“SEC. 7. That four clerks shall be appointed for the court, one of whom shall be assigned to each division thereof, and during his term of office shall reside at such place in the division as the Attorney-General may direct. Each clerk shall, in his division of the district, perform the duties required or authorized by law to be performed by clerks of United States courts in other districts, and such other duties as may be prescribed by the laws of the United States relating to the district of Alaska. He shall preserve copies of all laws applicable to the district and shall preserve all records and record all proceedings and official acts of his division of the court. He shall also collect and receive all moneys arising from the fees of his office, from licenses, fines, forfeitures, judgments, or on any other account authorized by law to be paid to or collected by him, and shall apply the same, except the money derived from licenses, to the incidental expenses of the proper division of the district court and the allowance thereof as directed in written orders, duly made and signed by the judge, and shall account for the same in detail, and for any balances on account thereof, under oath, quarterly, or more frequently if required, to the court, the Attorney-General, and the Secretary of the Treasury: *Provided*, That moneys accruing from violations of the customs laws, civil customs cases, or internal-revenue cases, moneys, not including costs, accruing from civil post-office suits, fines in criminal cases for violations of the postal laws, the net proceeds of sales of public property under section thirty-six hundred and eighteen, Revised Statutes as amended, and any other moneys the disposition of which is otherwise specially provided for by law, shall not be available for the expenses of the court, but shall be paid over or deposited as provided by law for other districts. And ‘after all payments ordered by the judge shall have been made, any balances remaining in the hands of the clerk shall be by him deposited to the credit of the United States and be covered into the Treasury of the United States at such times and under such rules and regulations as the Secretary of the Treasury may prescribe. The clerk shall be *ex officio* recorder of instruments as hereinafter provided and also register of wills for the division, and shall establish secure offices for the safe-keeping of his official records where terms of his division of the court are held. He may appoint necessary deputies and employ other necessary clerical assistance to aid him in the expeditious discharge of the duties of his office, with the approval and at compensation to be fixed by the court or judge, subject to the approval of the Attorney-General. Any person so appointed or employed shall be paid by the clerk on the order of the judge, as other court expenses are paid.’” [35 Stat. L. 840.]

For sec. 7 of the Act hereby amended see 1 Fed. Stat. Annot. 25.

SEC. 4. [*District attorneys.*] That section eight of said chapter one of title one is hereby amended so as to read as follows:

“SEC. 8. That four district attorneys shall be appointed for the district, one of whom shall be assigned to each division and shall reside at such place in the division as the Attorney-General shall direct. They shall each perform the duties required to be performed by United States district attorneys in other districts, and such other duties as may be required by law; and they shall each receive a salary of five thousand dollars per annum and shall not while in office accept retainers or engage in any other law business in the district than that pertaining to the duties of their office. The Attorney-General may, upon the recommendation of the district attorney, appoint and at pleasure remove one or more assistant district attorneys and one or more clerical assistants, who shall

receive such compensation as the Attorney-General may fix, to be paid as other assistant United States district attorneys and clerical assistants are paid. In the case of the death or disability of a district attorney the judge may appoint a suitable person to fill the office until his successor is appointed and qualified or until the disability is removed." [35 Stat. L. 841.]

For sec. 8 of the Act hereby amended see 1 Fed. Stat. Annot. 25.

SEC. 5. [*Accounts of commissioners and deputy marshals.*] That section eleven of chapter one, title one, of said Act is hereby amended so as to read as follows:

"SEC. 11. That an accurate detailed account of all fees earned and expenses incurred by commissioners and deputy marshals shall be prepared in duplicate quarterly, duly verified by the oath of the commissioner or deputy marshal rendering the account, and forwarded to the clerk for the proper division of the district court and approved by the judge thereof, if found to be in accordance with law. After approval by the judge the original of each such account shall be forwarded by the clerk to the Department of Justice for revision and the duplicate filed in the court. All net fees earned in excess of the sum of three thousand dollars per calendar year or in excess of that rate for a less period, by any commissioner or deputy marshal, shall be annually paid to the clerk of the proper division of the court to be available for incidental expenses of the district court of the proper division, such payment of such incidental expenses to be accompanied by a verified detailed statement of said clerk." [35 Stat. L. 841.]

For sec. 11 of the Act hereby amended see 1 Fed. Stat. Annot. 27.

SEC. 6. [*Four marshals authorized.*] That four United States marshals shall be appointed for the district, one of whom shall be assigned to each division, and shall reside at such place in the division as the Attorney-General shall direct. [35 Stat. L. 841.]

SEC. 7. [*Deputy clerks — duties.*] That section seven hundred and twenty-eight of chapter seventy-four, title two, of said Act is hereby amended so as to read as follows:

"SEC. 728. That each deputy clerk has the power to perform any act or duty relating to the clerk's office that his principal has, and his principal is responsible for his conduct and for all money received by him in his official capacity." [35 Stat. L. 841.]

For sec. 728 of the Act hereby amended see 1 Fed. Stat. Annot. 184.

SEC. 8. [*Terms of present officers not affected — officers in third division — assignments.*] That nothing in this Act shall be construed to limit or terminate the term of office of any of the judges, district attorneys, or marshals now serving in Alaska; but each shall serve out the term for which he was appointed unless sooner removed. The judge, district attorney, and marshal now serving in the third division of said district shall hereafter have their residence and hold their respective offices in the fourth division created by this Act: *Provided*, That the President may, in his discretion, change the assignment of any of said officers from one division to another. [35 Stat. L. 842.]

SEC. 9. [*Schedule of commissioners' fees repealed — schedule to be prepared.*] That section seven hundred and seventy-one of chapter eighty, title two, of said Act, approved June sixth, nineteen hundred, be, and the same is hereby, repealed, and the Attorney-General is authorized and directed to pre-

scribe a schedule of fees for the services rendered by the United States commissioners acting as ex officio probate judges. [35 Stat. L. 842.]

For sec. 771 of the Act hereby amended see 1 Fed. Stat. Annot. 192.

SEC. 10. [*Modification of time for court transmitting accounts allowed.*] That when, in the opinion of the Attorney-General, it will be impossible for the accounts of any court official or other person whose accounts pertain to the United States courts in Alaska to be transmitted to the Department of Justice within the period prescribed by law, the Attorney-General may modify, as he may deem proper, any requirement of law concerning the time when such accounts shall be rendered and transmitted. [35 Stat. L. 842.]

See note under sec. 2, *supra*.

[SEC. 1.] [*Reindeer — disposal of.*] All reindeer owned by the United States in Alaska shall, as soon as practicable, be turned over to missions in or natives of Alaska, to be held and used by them under such conditions as the Secretary of the Interior shall prescribe. The Secretary of the Interior may authorize the sale of surplus male reindeer and make regulations for the same. The proceeds of such sale shall be turned into the Treasury of the United States. [35 Stat. L. 220.]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

The same provision occurs in the Sundry Civil Appropriation Act of May 27, 1908, ch. 200, 35 Stat. L. 351.

ALCOHOL.

Tax on, see INTERNAL REVENUE.

ALIENS.

See CITIZENSHIP; IMMIGRATION; NATURALIZATION.

AMBASSADORS.

See DIPLOMATIC AND CONSULAR OFFICERS.

AMERICAN ANTIQUITIES.

See ANTIQUITIES.

AMERICAN NATIONAL RED CROSS.

See CHARITIES.

AMERICAN REPUBLICS.

See STATE DEPARTMENT.

[*Inspection of meats, etc., for export.*] That the Secretary of Agriculture shall also cause to be made a careful inspection of the carcasses and parts thereof of all cattle, sheep, swine, and goats, the meat of which, fresh, salted, canned, corned, packed, cured, or otherwise prepared, is intended and offered for export to any foreign country, at such times and places and in such manner as he may deem proper. [34 Stat. L. 1263.]

[*Certificates.*] And for this purpose he may appoint inspectors who shall be authorized to give an official certificate stating the condition in which said cattle, sheep, swine, or goats, and the meat thereof, are found. [34 Stat. L. 1263.]

[*Clearances refused unless certificate obtained.*] And no clearance shall be given to any vessel having on board any fresh, salted, canned, corned, or packed beef, mutton, pork, or goat meat, being the meat of animals killed after the passage of this Act, or except as hereinbefore provided for export to and sale in a foreign country from any port in the United States, until the owner or shipper thereof shall obtain from an inspector appointed under the provisions of this Act a certificate that the said cattle, sheep, swine, and goats were sound and healthy at the time of inspection, and that their meat is sound and wholesome, unless the Secretary of Agriculture shall have waived the requirements of such certificate for the country to which said cattle, sheep, swine, and goats or meats are to be exported. [34 Stat. L. 1263.]

[*Delivery of official certificates.*] That the inspectors provided for herein shall be authorized to give official certificates of the sound and wholesome condition of the cattle, sheep, swine, and goats, their carcasses and products as herein described; and one copy of every certificate granted under the provisions of this Act shall be filed in the Department of Agriculture, another copy shall be delivered to the owner or shipper, and when the cattle, sheep, swine, and goats or their carcasses and products are sent abroad, a third copy shall be delivered to the chief officer of the vessel on which the shipment shall be made. [34 Stat. L. 1263.]

[*Products of establishments violating law, not to be sold, transported, etc.*] That no person, firm, or corporation engaged in the interstate commerce of meat or meat food products shall transport or offer for transportation, sell or offer to sell any such meat or meat food products in any State or Territory or in the District of Columbia or any place under the jurisdiction of the United States, other than in the State or Territory or in the District of Columbia or any place under the jurisdiction of the United States in which the slaughtering, packing, canning, rendering, or other similar establishment owned, leased, or operated by said firm, person, or corporation is located unless and until said person, firm, or corporation shall have complied with all of the provisions of this Act. [34 Stat. L. 1264.]

[*Penalty for violations.*] That any person, firm, or corporation, or any officer or agent of any such person, firm, or corporation, who shall violate any of the provisions of this Act shall be deemed guilty of a misdemeanor and shall be punished on conviction thereof by a fine of not exceeding ten thousand dollars or imprisonment for a period of not more than two years, or by both such fine and imprisonment, in the discretion of the court. [34 Stat. L. 1264.]

[*Appointment of inspectors — duties — rules and regulations.*] That the Secretary of Agriculture shall appoint from time to time inspectors to make examination and inspection of all cattle, sheep, swine, and goats, the inspection

of which is hereby provided for, and of all carcasses and parts thereof, and of all meats and meat food products thereof, and of the sanitary conditions of all establishments in which such meat and meat food products hereinbefore described are prepared; and said inspectors shall refuse to stamp, mark, tag, or label any carcass or any part thereof, or meat food product therefrom, prepared in any establishment hereinbefore mentioned, until the same shall have actually been inspected and found to be sound, healthful, wholesome, and fit for human food, and to contain no dyes, chemicals, preservatives, or ingredients which render such meat food product unsound, unhealthful, unwholesome, or unfit for human food; and to have been prepared under proper sanitary conditions, hereinbefore provided for; and shall perform such other duties as are provided by this Act and by the rules and regulations to be prescribed by said Secretary of Agriculture; and said Secretary of Agriculture shall, from time to time, make such rules and regulations as are necessary for the efficient execution of the provisions of this Act, and all inspections and examinations made under this Act shall be such and made in such manner as described in the rules and regulations prescribed by said Secretary of Agriculture not inconsistent with the provisions of this Act. [34 Stat. L. 1264.]

[Punishment for bribing, etc., officials — accepting gifts, etc., by officials.]

That any person, firm, or corporation, or any agent or employee of any person, firm, or corporation who shall give, pay, or offer, directly or indirectly, to any inspector, deputy inspector, chief inspector, or any other officer or employee of the United States authorized to perform any of the duties prescribed by this Act or by the rules and regulations of the Secretary of Agriculture any money or other thing of value, with intent to influence said inspector, deputy inspector, chief inspector, or other officer or employee of the United States in the discharge of any duty herein provided for, shall be deemed guilty of a felony and, upon conviction thereof, shall be punished by a fine not less than five thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years; and any inspector, deputy inspector, chief inspector, or other officer or employee of the United States authorized to perform any of the duties prescribed by this Act who shall accept any money, gift, or other thing of value from any person, firm, or corporation, or officers, agents, or employees thereof, given with intent to influence his official action, or who shall receive or accept from any person, firm, or corporation engaged in interstate or foreign commerce any gift, money, or other thing of value given with any purpose or intent whatsoever, shall be deemed guilty of a felony and shall, upon conviction thereof, be summarily discharged from office and shall be punished by a fine not less than one thousand dollars nor more than ten thousand dollars and by imprisonment not less than one year nor more than three years. [34 Stat. L. 1264.]

[Exceptions to farmers, retailers, etc. — punishment for sale, etc., of unwholesome products — maintenance of inspection authorized.] That the provisions of this Act requiring inspection to be made by the Secretary of Agriculture shall not apply to animals slaughtered by any farmer on the farm and sold and transported as interstate or foreign commerce, nor to retail butchers and retail dealers in meat and meat food products, supplying their customers: *Provided*, That if any person shall sell or offer for sale or transportation for interstate or foreign commerce any meat or meat food products which are diseased, unsound, unhealthful, unwholesome, or otherwise unfit for human food, knowing that such meat food products are intended for human consumption, he shall be guilty of a misdemeanor, and on conviction thereof shall be punished

by a fine not exceeding one thousand dollars or by imprisonment for a period of not exceeding one year, or by both such fine and imprisonment: *Provided also*, That the Secretary of Agriculture is authorized to maintain the inspection in this Act provided for at any slaughtering, meat-canning, salting, packing, rendering, or similar establishment notwithstanding this exception, and that the persons operating the same may be retail butchers and retail dealers or farmers; and where the Secretary of Agriculture shall establish such inspection then the provisions of this Act shall apply notwithstanding this exception. [34 Stat. L. 1265.]

[*Detailed report of estimates.*] And the Secretary of Agriculture shall, in his annual estimates made to Congress, submit a statement in detail, showing the number of persons employed in such inspections and the salary or per diem paid to each, together with the contingent expenses of such inspectors and where they have been and are employed. [34 Stat. L. 1265.]

The above provisions occur also in the Agricultural Appropriation Act of June 30, 1906, ch. 3913, closing on page 679 of vol. 34, Stat. at L. In that Act, however, is the following permanent appropriation:

"That there is permanently appropriated, out of any money in the Treasury not otherwise appropriated, the sum of three million dollars, for the expenses of the inspection of

cattle, sheep, swine, and goats and the meat and meat food products thereof which enter into interstate or foreign commerce and for all expenses necessary to carry into effect the provisions of this Act relating to meat inspection, including rent and the employment of labor in Washington and elsewhere, for each year." [34 Stat. L. 674.]

[SEC. 1.] [*Inspection of dairy products for export — serums, etc., for treatment of diseases of animals.*] * * * That the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified: *Provided also*, That the Secretary of Agriculture is authorized to purchase in the open market samples of all tuberculin serums, antitoxins, or analogous products, of foreign or domestic manufacture, which are sold in the United States for the detection, prevention, treatment, or cure of diseases of domestic animals, to test the same and to publish the results of said tests in such manner as he may deem best. [35 Stat. L. 254.]

This is from the Agricultural Appropriation Act of May 23, 1908, ch. 192.

The Act of March 3, 1891, as amended by the Act of March 2, 1895, above mentioned, is given in 1 Fed. Stat. Annot. 448.

ANTIQUITIES.

Act of June 8, 1906, Ch. 3080, 53.

Sec. 1. *American Antiquities — Penalty for Unauthorized Excavations, etc.*, 53.

2. *Setting Apart of Historic, etc., Public Lands — Relinquishment of Private Claims*, 53.

3. *Permits for Excavations, etc. — Preservation in Museums*, 53.

4. *Regulations*, 54.

CROSS-REFERENCE.

See *PUBLIC PARKS*.

An Act For the preservation of American antiquities.

[Act of June 8, 1906, ch. 3080, 34 Stat. L. 225.]

[SEC. 1.] [*American antiquities — penalty for unauthorized excavations, etc.*] That any person who shall appropriate, excavate, injure, or destroy any historic or prehistoric ruin or monument, or any object of antiquity, situated on lands owned or controlled by the Government of the United States, without the permission of the Secretary of the Department of the Government having jurisdiction over the lands on which said antiquities are situated, shall, upon conviction, be fined in a sum of not more than five hundred dollars or be imprisoned for a period of not more than ninety days, or shall suffer both fine and imprisonment, in the discretion of the court. [34 Stat. L. 225.]

SEC. 2. [*Setting apart of historic, etc., public lands — relinquishment of private claims.*] That the President of the United States is hereby authorized, in his discretion, to declare by public proclamation historic landmarks, historic and prehistoric structures, and other objects of historic or scientific interest that are situated upon the lands owned or controlled by the Government of the United States to be national monuments, and may reserve as a part thereof parcels of land, the limits of which in all cases shall be confined to the smallest area compatible with the proper care and management of the objects to be protected: *Provided*, That when such objects are situated upon a tract covered by a bona fide unperfected claim or held in private ownership, the tract, or so much thereof as may be necessary for the proper care and management of the object, may be relinquished to the Government, and the Secretary of the Interior is hereby authorized to accept the relinquishment of such tracts in behalf of the Government of the United States. [34 Stat. L. 225.]

SEC. 3. [*Permits for excavations, etc. — preservation in museums.*] That permits for the examination of ruins, the excavation of archaeological sites, and the gathering of objects of antiquity upon the lands under their respective jurisdictions may be granted by the Secretaries of the Interior, Agriculture, and War to institutions which they may deem properly qualified to conduct such examination, excavation, or gathering, subject to such rules and regulations as they may prescribe: *Provided*, That the examinations, excavations, and gatherings are undertaken for the benefit of reputable museums, univer-

sities, colleges, or other recognized scientific or educational institutions, with a view to increasing the knowledge of such objects, and that the gathering shall be made for permanent preservation in public museums. [34 Stat. L. 225.]

SEC. 4. [*Regulations.*] That the Secretaries of the Departments aforesaid shall make and publish from time to time uniform rules and regulations for the purpose of carrying out the provisions of this Act. [34 Stat. L. 225.]

APPROPRIATIONS.

See *ESTIMATES, APPROPRIATIONS, AND REPORTS.*

ARCHÆOLOGICAL SITES.

See *ANTIQUITIES.*

ARIZONA.

Admission into Union, see STATES.

ARMY.

See *MILITIA; WAR DEPARTMENT AND MILITARY ESTABLISHMENT.*

ARSON.

See *PENAL LAWS.*

ASSAULT.

See *PENAL LAWS.*

ASSAY OFFICES.

See *COINAGE, MINTS, AND ASSAY OFFICES.*

ASYLUMS.

See *HOSPITALS AND ASYLUMS.*

ATTORNEY-GENERAL.

See *JUDICIAL OFFICERS.*

BANKRUPTCY.

Act of June 15, 1906, Ch. 3333.

Sec. 1. Priority of Wages — Salesmen Added.

An Act To amend section sixty-four of the bankruptcy Act.

[Act of June 15, 1906, ch. 3333, 34 Stat. L. 267.]

[SEC. 1.] [*Priority of wages — salesmen added.*] That clause four of subdivision B of section sixty-four of said Act is hereby amended so as to read as follows:

"Fourth. Wages due to workmen, clerks, traveling or city salesmen, or servants which have been earned within three months before the date of commencement of proceedings, not to exceed three hundred dollars to each claimant." [34 Stat. L. 267.]

The original provision of the Bankruptcy Act here amended is contained in 1 Fed. Stat. Annot. 685.

Commissions due a traveling salesman employed by the bankrupt are "wages" within the meaning of this amendment, and the debt consequently is entitled to priority. *In re Dexter*, (C. C. A.) 158 Fed. 788. In holding that the claimant was a salesman within the meaning of this chapter, and that the term "wages" comprehends commissions, the court said: "The contract shows that he was hired as a 'salesman,' that his service was confined to a certain territory, and that his responsibility began and ended with the obtaining of orders in that territory from a price list furnished by the company, and having them sent in to his employer. That some of these orders were not solicited by Barden personally, but must have been taken, as the referee finds, 'either by others or sent by mail to his office in accordance with the instructions in the trade circular,' is not a circumstance which is sufficient to take Barden out of the category of traveling salesmen, since a traveling salesman is sometimes entitled to commissions upon all the orders which are sent in from his allotted territory. Nor do the other facts, that Barden had an office in Boston and paid the expenses incident thereto, that all orders were first sent to this office, and that in the trade circular sent out by his employer he was called 'its specially authorized representative in the United States,' change in any material way the real character of the service for which he was employed. The remaining ques-

tion is whether the word 'wages' in any way limits the class of traveling salesmen who are included within this provision of the Bankruptcy Act. If this provision had been restricted to 'workmen' and 'servants,' it might perhaps be urged that 'wages' should be construed in its narrow and popular sense as meaning the payment of a fixed sum per day, week, or month for manual labor, or other labor of a menial or mechanical kind. But since this provision also includes 'clerks' and 'traveling or city salesmen,' if we construe 'wages' in this narrow sense we necessarily limit the operation of the statute to those clerks and traveling salesmen who happen to be paid for their services in a particular way; in other words, the question of preference is made to turn upon the mode of payment rather than upon the kind of service rendered. The result would be that a clerk who was paid a fixed sum per day, week, or month, which during the year amounted to \$1,000, would be entitled to a preference, while a clerk who was paid this sum in the form of a yearly salary would be excluded; and, further, a traveling salesman who was paid a fixed sum of \$100 or \$500 a month would be entitled to a preference, while a traveling salesman who only earned from \$30 to \$40 per month in the form of commissions would be excluded. It is plain, therefore, that 'wages' must be construed in its broader and more general sense as meaning compensation for services rendered, since to hold otherwise would lead to glaring inconsistencies and manifest injustice."

BANKS.

See *NATIONAL BANKS.*

BARGES.

See *STEAM VESSELS.*

BIRDS.

See *GAME ANIMALS AND BIRDS.*

BISON RANGE.

See *PUBLIC LANDS.*

BLIND.

Education of, see EDUCATION.

BOOK OF ESTIMATES.

See *ESTIMATES, APPROPRIATIONS, AND REPORTS.*

BRIBERY.

See *PENAL LAWS.*

BRIDGES.

See LIGHTS AND BUOYS; RIVERS, HARBORS, AND CANALS.

BUILDINGS.

See PUBLIC PROPERTY, BUILDINGS, AND GROUNDS.

BULL FIGHTS.

See PENAL LAWS.

BUREAU OF AMERICAN REPUBLICS.

See STATE DEPARTMENT.

BUREAU OF INSULAR AFFAIRS.

See WAR DEPARTMENT AND MILITARY ESTABLISHMENT.

CALIFORNIA DEBRIS COMMISSION.

See WATERS.

CANALS.

See RIVERS, HARBORS, AND CANALS.

CANAL ZONE.

Acknowledgments of Deeds and Instruments in, see NOTARIES PUBLIC.
See also RIVERS, HARBORS, AND CANALS.

CARRIERS.

Act of Dec. 19, 1908, Ch. 6, 58.

Sec. 1. Steerage Passengers — Accommodations for, 58.

2. Repeal, 60.

3. Effect, 60.

CROSS-REFERENCES.

Animals in Transit, see ANIMALS.

Interstate Commerce Act Amended, Railroad Rates, etc., see INTERSTATE COMMERCE.

Offenses against Interstate Commerce, see PENAL LAWS.

Liability to Employees, see RAILROADS.

Service Hours of Employees Restricted, see RAILROADS.

An Act To amend section one of the passenger Act of eighteen hundred and eighty-two.

[Act of Dec. 19, 1908, ch. 6, 35 Stat. L. 553.]

[SEC. 1.] [*Steerage passengers — accommodations for.*] That section one of the passenger Act of eighteen hundred and eighty-two be, and is hereby, amended so as to read:

The Act of Aug. 2, 1882, above mentioned and here amended, is given in 1 Fed. Stat. Annot. 720.

“It shall not be lawful for the master of any vessel whereon steerage passengers have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to or take from any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage, unobstructed by cargo, stores, or goods. The master of a vessel coming to a port or place in the United States in violation of any of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of steerage passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinafter prescribed, the said master shall be fined fifty dollars for each and every such passenger in excess of the proper number, and may also be imprisoned not exceeding six months.

“In computing the number of passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall be counted as one passenger; and any person brought in such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been

The Act of May 30, 1908, ch. 234, 35 Stat. L. 554, “to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation,” was repealed by sec. 341 of the Act of March 4, 1909, ch. 321, given *post*, under the title PENAL LAWS, and the provisions of such Act of May 30, 1908, ch. 234, are incorporated in the Penal Laws.

picked up at sea from any boat, raft, or otherwise, shall not be included in such computation.

"Second. The expression 'steerage passenger' means all passengers except cabin passengers, and persons shall not be deemed cabin passengers unless the space allotted to their exclusive use is in the proportion of at least thirty-six clear superficial feet to each passenger.

"Third. The expression 'lowest passenger deck' means the deck next below the water line; and the expression 'passenger deck' includes every deck or portion of a deck which is above the lowest passenger deck, and is appropriated for passengers.

"Fourth. A vessel shall not carry passengers, whether cabin or steerage passengers, on more than one deck below the water line.

"Fifth. The height between that part of any deck on which steerage passengers are carried and the deck immediately above it shall not be less than six feet.

"Sixth. No steerage passengers shall be carried on the lowest passenger deck unless it is efficiently lighted by side scuttles and otherwise to the satisfaction of the inspector.

"Seventh. No greater number of steerage passengers shall be carried on the lowest passenger deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet allotted to their use. If, however, the height between the lowest passenger deck and the deck immediately above it is less than seven feet, and the apertures, exclusive of side scuttles, through which light and air are admitted are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, no greater number of steerage passengers shall be carried on that deck than in the proportion of one steerage passenger to every thirty clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

"Eighth. No greater number of steerage passengers may be carried on a passenger deck than in the proportion of one steerage passenger to every eighteen clear superficial feet of deck allotted to their use, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten. If, however, the height between any passenger deck and the deck immediately above it be less than seven feet, no greater number of steerage passengers may be carried on that deck than in the proportion of one steerage passenger to every twenty-one clear superficial feet thereof, subject to the allowance for measurement of public rooms, lavatories, and bath rooms, if any, provided for by paragraph ten.

"Ninth. A vessel, whatever be the superficial space of the passenger decks and of the lowest passenger deck, shall not carry a greater number of steerage passengers on the whole than in the proportion of one steerage passenger to every five superficial feet of air or promenade space provided on a deck so open as not to be included in the tonnage and approved by the inspector, and this space shall not be counted or included in the area available for any other passengers, or in other areas for steerage passengers prescribed by this section.

"Tenth. In the measurement of the passenger decks and of the lowest passenger deck, the space occupied by that part of the personal baggage of the steerage passengers which the inspector permits to be carried there shall be included, and also, on whatever deck located, commodious and suitable dining rooms, lounging rooms, smoking rooms, lavatories, toilet rooms, and bath rooms: *Provided, That—*

"(a) The space in any place appropriated to the use of steerage passen-

gers in which they sleep shall not be less than eighteen superficial feet in the case of the lowest passenger deck and fifteen superficial feet in the case of a passenger deck.

"(b) Each space so included in the measurement must be clearly marked to the satisfaction of the inspector as being exclusively appropriated for the use of the steerage passengers.

"Eleventh. Each separate compartment in which steerage passengers are berthed shall be conspicuously marked, showing the total area of such compartments." [35 Stat. L. 583.]

SEC. 2. [Repeal.] That section forty-two and so much of sections forty-three and forty-four of the Act approved February twentieth, nineteen hundred and seven, entitled "An Act to regulate the immigration of aliens into the United States," as provides for the repeal of section one of the passenger Act of eighteen hundred and eighty-two are hereby repealed. [35 Stat. L. 584.]

Sections 42, 43, and 44 of the Act of Feb. 20, 1907, are given *post*, under the title IMMIGRATION.

SEC. 3. [Effect.] That this Act shall take effect on January first, nineteen hundred and nine. [35 Stat. L. 584.]

CEMETERIES.

Act of March 9, 1906, Ch. 631.

Sec. 1. Confederate Soldiers' and Sailors' Graves.

Act of March 4, 1909, Ch. 299.

Encroachments by Railroads Forbidden.

CROSS-REFERENCE.

Public Land for, see PUBLIC LANDS.

An Act To provide for the appropriate marking of the graves of the soldiers and sailors of the Confederate army and navy who died in Northern prisons and were buried near the prisons where they died, and for other purposes.

[Act of March 9, 1906, ch. 631, 34 Stat. L. 56.]

[SEC.1.] *[Confederate soldiers' and sailors' graves.]* That the Secretary of War be, and he is hereby, authorized and directed to ascertain the locations and condition of all the graves of the soldiers and sailors of the Confederate army and navy in the late civil war, eighteen hundred and sixty-one to eighteen hundred and sixty-five, who died in Federal prisons and military hospitals in the North and who were buried near their places of confinement; with power in his discretion to acquire possession or control over all grounds where said prison dead are buried not now possessed or under the control of the United States Government; to cause to be prepared accurate registers in triplicate, one for the superintendent's office in the cemetery, one for the Quartermaster-General's Office, and one for the War Record's Office, Confederate archives, of the places of burial, the number of the grave, the name, company, regiment, or vessel and State, of each Confederate soldier and sailor who so died, by verification with the Confederate archives in the War Department at Washington, District of Columbia; to cause to be erected over said graves white marble headstones similar to those recently placed over the graves in the "Confederate section" in the National Cemetery at Arlington, Virginia, similarly inscribed; to build proper fencing for the preservation of said burial grounds, and to care for said burial grounds in all proper respects not herein specifically mentioned, the said work to be completed within two years, at the end of which a report of the same shall be made to Congress. That for the carrying out of the objects set forth herein there be appropriated, out of any money in the Treasury of the United States not otherwise appropriated, the sum of two hundred thousand dollars, or so much thereof as may be necessary. And the Secretary of War is hereby authorized and directed to appoint some competent person as commissioner to ascertain the location of such Confederate graves not heretofore located, and to compare the names of those already marked with the registers in the cemeteries, and correct the same when found necessary, as preliminary to the work of marking the graves with suitable headstones, and to fix the compensation of said commissioner at the rate not to exceed two thousand five hundred dollars per annum, who shall be allowed necessary traveling expenses. *[34 Stat. L. 56.]*

[Encroachments by railroads forbidden.]

The provision given in 1 Fed. Stat. Annot. 734 is continued in subsequent appropriation acts, the last being that of March 4, 1909, ch. 299, 35 Stat. L. 1001.

CENSUS.

Act of June 7, 1906, Ch. 3043.

Sec. 1. Census Office — Special Reports — Decennial Collection of Statistics for — Street Railways, Electric Light, etc., Statistics Collected Every Five Years — Special Agents — Official Register to Be Edited, etc., by Director of the Census.

An Act To amend section seven of an Act entitled "An Act to provide for a permanent Census Office," approved March sixth, nineteen hundred and two.

[Act of June 7, 1906, ch. 3043, 34 Stat. L. 218.]

[SEC. 1.] [*Census office — special reports — decennial collection of statistics for — street railways, electric light, etc., statistics collected every five years — special agents — official register to be edited, etc., by director of the census.*] That section seven of the Act entitled "An Act to provide for a permanent Census Office," approved March sixth, nineteen hundred and two, be, and the same is hereby, amended so as to read as follows:

"SEC. 7. That after the completion and return of the enumeration and of the work upon the schedules relating to the products of agriculture and to manufacturing and mechanical establishments provided for in section seven of the Act of March third, eighteen hundred and ninety-nine, entitled 'An Act to provide for taking the Twelfth and subsequent censuses,' the Director of the Census is hereby authorized decennially to collect statistics relating to the defective, dependent, and delinquent classes; to crime, including judicial statistics pertaining thereto, provided that such statistics shall include information upon the following questions, namely: Age, sex, color, race, nativity, parentage, literacy by race, color, nativity, and parentage, and such other questions relating to these subjects as the Director in his discretion may deem proper; to social statistics of cities; to public indebtedness, valuation, taxation, and expenditures; to religious bodies; to transportation by water, and express business; to mines, mining, quarries, and minerals, and the production and value thereof, including gold in divisions of placer and vein, and silver mines, and the number of men employed, the average daily wage, average working time, and aggregate earnings in the various branches and aforesaid divisions of the mining and quarrying industries; to savings banks and other savings institutions, mortgage, loan, and investment companies, and similar institutions; to the fishing industry in cooperation with the Bureau of Fisheries; and every five years to collect statistics relating to street railways, electric light and power, telephone, and telegraph business. And the Director of the Census shall prepare schedules containing such interrogatories as shall in his judgment be best adapted to elicit the information required under the subjects, with such specifications, divisions, and particulars under each head as he shall deem necessary to that end; and all reports prepared under the provisions of this section shall be designated as 'Special Reports of the Census Office.' For the purpose of securing the statistics required by this section the Director of the Census may appoint special agents when necessary, and such special agents shall

The Act of July 2, 1909, for the taking of the thirteenth and subsequent censuses, passed at the extra session of the Sixty-first Congress, is given in the Appendix to this volume,

receive compensation as hereinafter provided. And the Director of the Census shall edit, index, and publish the Official Register of the United States, and the provisions of existing law imposing that duty upon the Department of the Interior are hereby repealed, and the data to be included in the Official Register, which is now required to be transmitted to the Secretary of the Interior, shall hereafter be transmitted to the Director of the Census." [34 Stat. L. 218.]

Section 7 of the Act of March 6, 1902, above referred to, is given in 1 Fed. Stat. Annot. 742.

CHARITIES.

Act of Jan. 5, 1906, Ch. 23, 64.

Sec. 1. American National Red Cross Reincorporated, 64.

2. Name of Corporation — Powers, 65.

3. Purposes, 65.

4. Unauthorized Use of Insignia, etc., Forbidden, 66.

5. Central Committee — Election of Members — Vacancies — Executive Committee — Meetings — Quorum — Voting by Proxy Forbidden, 66.

6. Reports, 67.

7. Amendment, 67.

An Act To incorporate the American National Red Cross.

[Act of Jan. 5, 1906, ch. 23, 33 Stat. L. 599.]

[SEC. 1.] [*American National Red Cross reincorporated.*] Whereas on the twenty-second of August, eighteen hundred and sixty-four, at Geneva, Switzerland, plenipotentiaries respectively representing Italy, Baden, Belgium, Denmark, Spain, Portugal, France, Prussia, Saxony, and Wurtemberg and the Federal Council of Switzerland agreed upon ten articles of a treaty or convention for the purpose of mitigating the evils inseparable from war; of ameliorating the condition of soldiers wounded on the field of battle, and particularly providing, among other things, in effect, that persons employed in hospitals and in according relief to the sick and wounded and supplies for this purpose shall be deemed neutral and entitled to protection; and that a distinctive and uniform flag shall be adopted for hospitals and ambulances and convoys of sick and wounded and an arm badge for individuals neutralized; and

Whereas said treaty has been ratified by all of said nations, and by others subsequently, to the number of forty-three or more, including the United States of America; and

Whereas the International Conference of Geneva of eighteen hundred and sixty-three recommended "that there exist in every country a committee whose mission consists in cooperating in times of war with the hospital service of the armies by all means in its power;" and

Whereas a permanent organization is an agency needed in every nation to carry out the purposes of said treaty, and especially to secure supplies and to execute the humane objects contemplated by said treaty, with the power to adopt and use the distinctive flag and arm badge specified by said treaty in article seven, on which shall be the sign of the Red Cross, for the purpose of cooperating with the "Comité International de Secours aux Militaires Blessés" (International Committee of Relief for the Wounded in War); and

Whereas in accordance with the requirements and customs of said international body such an association adopting and using said insignia was formed in the city of Washington, District of Columbia, in July, eighteen hundred and eighty-one, known as "The American National Association of the Red Cross," reincorporated April seventeenth, eighteen hundred and ninety-three, under the laws of the District of Columbia, and reincorporated by Act of Congress in June, nineteen hundred; and

The Act of "June, nineteen hundred," above mentioned, is given in 1 Fed. Stat. Annot. 751.

Whereas it is believed that the importance of the work demands a repeal of the present charter and a reincorporation of the society under Government supervision: Now, therefore,

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Clara Barton, Hilary A. Herbert, Thomas F. Walsh, Charles C. Glover, Charles J. Bell, Mabel T. Boardman, George Dewey, William R. Day, Nelson A. Miles, James Tanner, William K. Van Reypen, John M. Wilson, Simon Wolf, James R. Garfield, Gifford Pinchot, S. W. Woodward, Mary A. Logan, Walter Wyman, of Washington, District of Columbia; George H. Shields, of Missouri; William H. Taft, F. B. Loomis, Samuel Mather, of Ohio; Spencer Trask, Robert C. Ogden, Cleveland H. Dodge, George C. Boldt, William T. Wardwell, John G. Carlisle, George B. McClellan, Elizabeth Mills Reid, Margaret Carnegie, of New York; John H. Converse, Alexander Mackay-Smith, J. Wilkes O'Neill, H. Kirke Porter, of Pennsylvania; Richard Olney, W. Murray Crane, Henry L. Higginson, William Draper, Frederick H. Gillett, of Massachusetts; Marshall Field, Robert T. Lincoln, Lambert Tree, of Illinois; A. G. Kaufman, of South Carolina; Alexander W. Terrell, of Texas; George Gray, of Delaware; Redfield Proctor, of Vermont; John W. Foster, Noble C. Butler, Robert W. Miers, of Indiana; John Sharp Williams, of Mississippi; William Alden Smith, of Michigan; Horace Davis, W. W. Morrow, of California; Daniel C. Gilman, Eugene Lovering, of Maryland; J. Taylor Ellyson, of Virginia; Daniel R. Noyes, of Minnesota; Emanuel Fiske, Marshall Fiske, of Connecticut, together with five other persons to be named by the President of the United States, one to be chosen from each of the Departments of State, War, Navy, Treasury, and Justice, their associates and successors, are hereby created a body corporate and politic in the District of Columbia. [§§ Stat. L. 599.]

SEC. 2. [*Name of corporation — powers.*] That the name of this corporation shall be "The American National Red Cross," and by that name shall have perpetual succession, with the power to sue and be sued in courts of law and equity within the jurisdiction of the United States; to have and to hold such real and personal estate as shall be deemed advisable and to accept bequests for the purposes of this corporation hereinafter set forth; to adopt a seal and the same to alter and destroy at pleasure; and to have the right to have and to use, in carrying out its purposes hereinafter designated, as an emblem and badge, a Greek red cross on a white ground, as the same has been described in the treaty of Geneva, August twenty-second, eighteen hundred and sixty-four, and adopted by the several nations acceding thereto; to ordain and establish by-laws and regulations not inconsistent with the laws of the United States of America or any State thereof, and generally to do all such acts and things (including the establishment of regulations for the election of associates and successors) as may be necessary to carry into effect the provisions of this Act and promote the purposes of said organization; and the corporation hereby created is designated as the organization which is authorized to act in matters of relief under said treaty. In accordance with article seven of the treaty, the delivery of the brassard allowed for individuals neutralized in time of war shall be left to military authority. [§§ Stat. L. 600.]

SEC. 3. [*Purposes.*] That the purposes of this corporation are and shall be First. To furnish volunteer aid to the sick and wounded of armies in time of war, in accordance with the spirit and conditions of the conference of Geneva of October, eighteen hundred and sixty-three, and also of the treaty

of the Red Cross, or the treaty of Geneva, of August twenty-second, eighteen hundred and sixty-four, to which the United States of America gave its adhesion on March first, eighteen hundred and eighty-two.

Second. And for said purposes to perform all the duties devolved upon a national society by each nation which has acceded to said treaty.

Third. To succeed to all the rights and property which have been hitherto held and to all the duties which have heretofore been performed by the American National Red Cross as a corporation duly incorporated by Act of Congress June sixth, nineteen hundred, which Act is hereby repealed and the organization created thereby is hereby dissolved.

Fourth. To act in matters of voluntary relief and in accord with the military and naval authorities as a medium of communication between the people of the United States of America and their Army and Navy, and to act in such matters between similar national societies of other governments through the "Comité International de Secours," and the Government and the people and the Army and Navy of the United States of America.

Fifth. And to continue and carry on a system of national and international relief in time of peace and apply the same in mitigating the sufferings caused by pestilence, famine, fire, floods, and other great national calamities, and to devise and carry on measures for preventing the same. [33 Stat. L. 600.]

SEC. 4. [*Unauthorized use of insignia, etc., forbidden.*] That from and after the passage of this Act it shall be unlawful for any person within the jurisdiction of the United States to falsely and fraudulently hold himself out as, or represent or pretend himself to be, a member of, or an agent for, the American National Red Cross, for the purpose of soliciting, collecting, or receiving money or material; or for any person to wear or display the sign of the Red Cross, or any insignia colored in imitation thereof for the fraudulent purpose of inducing the belief that he is a member of, or an agent for, the American National Red Cross. Nor shall it be lawful for any person or corporation, other than the Red Cross of America, not now lawfully entitled to use the sign of the Red Cross, hereafter to use such sign or any insignia colored in imitation thereof for the purposes of trade or as an advertisement to induce the sale of any article whatsoever. If any person violates the provisions of this section, he shall be guilty of a misdemeanor and shall be liable to a fine of not less than one nor more than five hundred dollars, or imprisonment for a term not exceeding one year, or both, for each and every offense. The fine so collected shall be paid to the American National Red Cross. [33 Stat. L. 600.]

SEC. 5. [*Central committee — election of members — vacancies — executive committee — meetings — quorum — voting by proxy forbidden.*] That the governing body of the said American National Red Cross shall consist, in the first instance, of a central committee numbering eighteen persons, to be appointed in the manner following, namely: Six by the incorporators herein named and twelve by the President of the United States, one of whom shall be designated by the President to act as chairman. It shall be the duty of the central committee to organize with as little delay as possible State and Territorial societies, including the District of Columbia, under such rules as the said committee may prescribe. When six or more State or Territorial societies have been formed, thereafter the central committee shall be composed as follows: Six to be appointed by the incorporators, six by the representatives of the State and Territorial societies at the annual meeting of the incorporators and societies, and six by the President of the United States, one of whom shall

be designated by him as chairman and one each to be named by him from the Departments of State, War, Navy, Treasury, and Justice.

The first six members of the central committee elected by the incorporators at the first annual meeting, and the first six members of the central committee elected by the State and Territorial delegates, shall when elected select by lot from their number two members to serve one year, two members to serve two years, and two members to serve three years, and each subsequent election of members shall be for a period of three years or until their successors are duly elected and qualify. The six members of the central committee appointed by the President at the annual meeting shall serve for one year.

The President shall fill as soon as may be any vacancy that may occur by death, resignation, or otherwise in the chairmanship or in the membership of the central committee appointed by him. And any vacancy that may occur in the six members of the central committee herein provided to be appointed by the incorporators or in the six to be appointed by the representatives of the State societies shall be filled by temporary appointments to be made by the remaining members of the six in which the vacancy or vacancies may occur, such appointees to serve until the next annual meeting.

The central committee shall have power to appoint from its own members an executive committee of seven persons, five of whom shall be a quorum, who, when the central committee is not in session, shall have and exercise all the powers of the central committee.

The Secretary of War shall within thirty days after the passage of this Act call a meeting at a time and place to be designated by him in the city of Washington of the incorporators hereunder, giving at least thirty days' notice thereof in one or more newspapers, and the annual meeting of said incorporators, their associates and successors, shall thereafter be held in said city on the first Tuesday after the first Monday in December, the first of said meetings to be held in December, nineteen hundred and five. Fifteen members shall constitute a quorum at any annual or special meeting.

Voting by proxy shall not be allowed at any meeting of the incorporators, annual or special, nor at any meeting of State or Territorial societies organized under the provisions of this charter. [33 Stat. L. 601.]

SEC. 6. [Reports.] That the said American National Red Cross shall on the first day of January of each year make and transmit to the Secretary of War a report of its proceedings for the preceding year, including a full, complete, and itemized report of receipts and expenditures of whatever kind, which report shall be duly audited by the War Department, and a copy of said report shall be transmitted to Congress by the War Department. [33 Stat. L. 602.]

SEC. 7. [Amendment.] That Congress shall have the right to repeal, alter, or amend this Act at any time. [33 Stat. L. 602.]

CHEMISTRY, BUREAU OF.

See *AGRICULTURE*.

CHINA.

United States Court for, see *JUDICIARY*.

CIRCUIT COURTS.

See *JUDICIARY*.

CITIZENSHIP.

Act of March 2, 1907, Ch. 2534, 68.

- Sec. 1. Passports to Persons after Declaration of Intention — Extent of Protection, 68.*
2. *Expatriation — By Foreign Naturalization, etc. — Residence Abroad of Naturalized Persons — Regulations — Time of War, 68.*
 3. *American Women Married to Foreigners, 69.*
 4. *Foreign Women Married to Americans, 69.*
 5. *Children of Alien Parents — Citizenship — Naturalization, etc., of Parents during Minority — Commencement, 69.*
 6. *Children Born Abroad — Required to Record Intention at Age of Eighteen — Oath, 69.*
 7. *Records, etc., 69.*

CROSS-REFERENCES.

See also *IMMIGRATION; NATURALIZATION*.

An Act In reference to the expatriation of citizens and their protection abroad.

[*Act of March 2, 1907, ch. 2534, 34 Stat. L. 1228.*]

[*SEC. 1.*] [*Passports to persons after declaration of intention — extent of protection.*] That the Secretary of State shall be authorized, in his discretion, to issue passports to persons not citizens of the United States as follows: Where any person has made a declaration of intention to become such a citizen as provided by law and has resided in the United States for three years a passport may be issued to him entitling him to the protection of the Government in any foreign country: *Provided*, That such passport shall not be valid for more than six months and shall not be renewed, and that such passport shall not entitle the holder to the protection of this Government in the country of which he was a citizen prior to making such declaration of intention. [*34 Stat. L. 1228.*]

See title *PASSPORTS*, 5 Fed. Stat. Annot. 406.

SEC. 2. [Expatriation — by foreign naturalization, etc. — residence abroad of naturalized persons — regulations — time of war.] That any American citizen shall be deemed to have expatriated himself when he has been naturalized in any foreign state in conformity with its laws, or when he has taken an oath of allegiance to any foreign state. When any naturalized citizen shall have resided for two years in the foreign state from which he came, or for five years in any other foreign state it shall be presumed that he has ceased to be an American citizen, and the place of his general abode shall be deemed his place of residence during said years: *Provided, however*, That such presumption

may be overcome on the presentation of satisfactory evidence to a diplomatic or consular officer of the United States, under such rules and regulations as the Department of State may prescribe: *And provided also*, That no American citizen shall be allowed to expatriate himself when this country is at war. [34 Stat. L. 1228.]

See title CITIZENSHIP, 1 Fed. Stat. Annot. 785.

SEC. 3. [*American women married to foreigners.*] That any American woman who marries a foreigner shall take the nationality of her husband. At the termination of the marital relation she may resume her American citizenship, if abroad, by registering as an American citizen within one year with a consul of the United States, or by returning to reside in the United States, or, if residing in the United States at the termination of the marital relation, by continuing to reside therein. [34 Stat. L. 1228.]

See R. S. sec. 1994, 1 Fed. Stat. Annot. 786.
The wife becomes incompetent, under this section, to act as a voucher in support of her alien husband's petition for naturalization; and where she has attempted to act as a voucher, the testimony of substitute witnesses may not be allowed at the final hearing. But it appearing that the wife was made a voucher

through an honest mistake, the petition may be amended by allowing the applicant to have it sworn to by a citizen, and it may be reposted as required by the sixth section of the Naturalization Act (given under the title NATURALIZATION), after which the applicant can be heard finally. *In re Martorana*, 159 Fed. 1010.

SEC. 4. [*Foreign women married to Americans.*] That any foreign woman who acquires American citizenship by marriage to an American shall be assumed to retain the same after the termination of the marital relation if she continue to reside in the United States, unless she makes formal renunciation thereof before a court having jurisdiction to naturalize aliens, or if she resides abroad she may retain her citizenship by registering as such before a United States consul within one year after the termination of such marital relation. [34 Stat. L. 1229.]

SEC. 5. [*Children of alien parents — citizenship — naturalization, etc., of parents during minority — commencement.*] That a child born without the United States of alien parents shall be deemed a citizen of the United States by virtue of the naturalization of or resumption of American citizenship by the parent: *Provided*, That such naturalization or resumption takes place during the minority of such child: *And provided further*, That the citizenship of such minor child shall begin at the time such minor child begins to reside permanently in the United States. [34 Stat. L. 1229.]

SEC. 6. [*Children born abroad — required to record intention at age of eighteen — oath.*] That all children born outside the limits of the United States who are citizens thereof in accordance with the provisions of section nineteen hundred and ninety-three of the Revised Statutes of the United States and who continue to reside outside the United States shall, in order to receive the protection of this Government, be required upon reaching the age of eighteen years to record at an American consulate their intention to become residents and remain citizens of the United States and shall be further required to take the oath of allegiance to the United States upon attaining their majority. [34 Stat. L. 1229.]

R. S. sec. 1993, above referred to, is given in 1 Fed. Stat. Annot. 786.

SEC. 7. [*Records, etc.*] That duplicates of any evidence, registration, or other acts required by this Act shall be filed with the Department of State for record. [34 Stat. L. 1229.]

CIVIL RIGHTS.

Offenses against, see PENAL LAWS.

CIVIL SERVICE.

See EXECUTIVE DEPARTMENTS.

CLAIMS.

Act of March 4, 1907, Ch. 2918.

Sec. 1. Spanish Treaty Claims Commission — Average Cost per Page of Testimony to Be Ascertained — Claimant to Deposit Cost with Clerk — Dismissal of Claim on Failure to Deposit — Return of Deposit.

[SEC. 1.] [*Spanish treaty claims commission — average cost per page of testimony to be ascertained — claimant to deposit cost with clerk — dismissal of claim on failure to deposit — return of deposit.*] * * * The Spanish Treaty Claims Commission is directed to ascertain as soon as may be what has been the average cost per page of taking testimony for use in cases before said Commission by dividing the whole amount expended from appropriations under this head by the total number of pages of testimony heretofore taken. The claimant in all cases before said Commission not already finally disposed of shall hereafter be required to pay in the first instance the expense of taking his testimony including the cross-examination of his witnesses at the rate per page so found and to secure the payment thereof shall within ninety days from the passage of this Act deposit with the Clerk of said Commission the average cost of taking the claimant's testimony in cases heretofore disposed of at the rate per page aforesaid, and upon failure to make such deposit within the time fixed his case shall be dismissed with prejudice. Whenever any case is disposed of by the Commission in favor of the claimant his said deposit shall be returned to him by the Clerk, but if the case is disposed of in favor of the Government so much of his deposit as is required to pay the costs of taking his testimony shall be covered into the Treasury and the balance, if any, shall be returned to the claimant. [*34 Stat. L. 1359.*]

This is from the Sundry Civil Appropriation Act, March 4, 1907, ch. 2918.

The Act of May 30, 1908, ch. 235, concerning the making and presenting of false claims, etc., and amending R. S. sec. 5438, is repealed by sec. 341 of the Act of March 4, 1909, ch. 321, given post, under the title PENAL LAWS.

CLERKS.

See *EXECUTIVE DEPARTMENTS.*

CLERKS OF COURTS.

See *JUDICIAL OFFICERS.*

COAL.

Deposits in Alaska, see ALASKA.

COASTING DISTRICTS.

See *SHIPPING AND NAVIGATION.*

COINAGE, MINTS, AND ASSAY OFFICES.

Act of April 24, 1906, Ch. 1861, 72.

Sec. 1. Minor Coins — Purchase of Metal for — Amount of Purchase Increased — Coinage at San Francisco, Denver, and New Orleans Mints Added — Use of Seigniorage — Delivery and Redemption of Minor Coins — Mints Added — Minimum Amount, 72.

Act of March 26, 1906, Ch. 2558, 73.

Sec. 1. Gold Certificates — Issue to Cease if Coin in Reserve Is Below \$50,000,000 — Bullion to Be Coined, 73.

Act of May 30, 1908, Ch. 223, 73.

Salt Lake City — Assay Office Established at, 73.

Act of May 18, 1908, Ch. 173, 73.

Sec. 1. Coins — Restoration of Motto "In God We Trust," 73.

2. Effect, 74.

CROSS-REFERENCES.

Standard of Value and Coinage in Philippine Islands, see PHILIPPINE ISLANDS.

See also *NATIONAL BANKS.*

An Act Providing for the purchase of metal and the coinage of minor coins, and the distribution and redemption of said coins.

[Act of April 24, 1906, ch. 1861, 34 Stat. L. 132.]

[SEC. 1.] *[Minor coins — purchase of metal for — amount of purchase increased — coinage at San Francisco, Denver, and New Orleans mints added — use of seigniorage — delivery and redemption of minor coins — mints added — minimum amount.]* That sections thirty-five hundred and twenty-eight and thirty-five hundred and twenty-nine of the Revised Statutes be, and the same are hereby, amended so as to read as follows:

“Sec. 3528. For the purchase of metal for the minor coinage authorized by this Act a sum not exceeding two hundred thousand dollars in lawful money of the United States shall, upon the recommendation of the Director of the Mint, and in such sums as he may designate, with the approval of the Secretary of the Treasury, be transferred to the credit of the superintendents of the mints at Philadelphia, San Francisco, Denver, and New Orleans, at which establishments, until otherwise provided by law, such coinage shall be carried on. The superintendents, with the approval of the Director of the Mint as to price, terms, and quantity, shall purchase the metal required for such coinage by public advertisement, and the lowest and best bid shall be accepted, the fineness of the metals to be determined on the mint assay. The gain arising from the coinage of such metals into coin of a nominal value, exceeding the cost thereof, shall be credited to the special fund denominated the minor-coinage profit fund; and this fund shall be charged with the wastage incurred in such coinage, and with the cost of distributing said coins, as hereinafter provided. The balance remaining to the credit of this fund, and any balance of the profits accrued from minor coinage under former Acts, shall be, from time to time, and at least twice a year, covered into the Treasury of the United States.

For R. S. 3528 as it read prior to this enactment, see 2 Fed. Stat. Annot. 139.

“Sec. 3529. The minor coins authorized by this Act may, at the discretion of the Director of the Mint, be delivered in any of the principal cities and the towns of the United States, at the cost of the mints, for transportation, and shall be exchangeable at par at the mints named, at the discretion of the superintendents, for any other coins of copper, bronze, or copper-nickel heretofore authorized, and it shall be lawful for the Treasurer and the several assistant treasurers and depositaries of the United States to redeem, in lawful money, under such rules as may be prescribed by the Secretary of the Treasury, all copper, bronze, and copper-nickel coins authorized by law when presented in sums of not less than twenty dollars; and whenever, under this authority, these coins are presented for redemption in such quantity as to show the amount outstanding to be redundant, the Secretary of the Treasury is authorized and required to direct that such coinage shall cease until otherwise authorized by him.” [34 Stat. L. 132.]

For R. S. sec. 3529 as it read prior to this enactment, see 2 Fed. Stat. Annot. 122.

An Act To amend section six of an Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," approved March fourteenth, nineteen hundred.

[Act of March 26, 1906, ch. 2558, 34 Stat. L. 202.]

[SEC. 1.] [Gold certificates—issue to cease if coin in reserve is below \$50,000,000—bullion to be coined.] That section six of an Act approved March fourteenth, nineteen hundred, entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes," be amended by striking from the first proviso of said section six the words "one hundred" and inserting in lieu thereof the word "fifty," and by adding, after the words "shall be suspended," the following: "but the Secretary of the Treasury is directed to coin, within reasonable time, any and all gold bullion held in said reserve fund in excess of fifty million dollars," making the first proviso of said section six read as follows: "Provided, That whenever and so long as the gold coin held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below fifty million dollars the authority to issue certificates as herein provided shall be suspended, but the Secretary of the Treasury is directed to coin, within reasonable time, any and all gold bullion held in said reserve fund in excess of fifty million dollars." [34 Stat. L. 202.]

Section 6, Act of March 14, 1900, above referred to, is given in 2 Fed. Stat. Annot. 133.

An Act To establish an assay office at Salt Lake City, State of Utah.

[Act of May 30, 1908, ch. 223, 35 Stat. L. 474.]

[Salt Lake City—assay office established at.] That the Secretary of the Treasury is hereby authorized and required to establish an assay office of the United States at Salt Lake City, in the State of Utah; said assay office to be conducted under the provisions of the Act entitled "An Act revising and amending the laws relating to the mints and assay offices and the coinage of the United States," approved February twelfth, eighteen hundred and seventy-three; that the officers of the assay office shall be an assayer in charge, at a salary of two thousand five hundred dollars per annum, who shall also perform the duties of melter; chief clerk, at a salary of one thousand five hundred dollars per annum; and the Secretary of the Treasury is hereby authorized to rent a suitable building for the use of said assay office, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of twenty thousand dollars for salary of assayer in charge, chief clerk, and wages of workmen, rent, and contingent expenses. [35 Stat. L. 474.]

The Act of Feb. 12, 1873, above referred to, is embodied in various sections of the Revised Statutes which are set out under the title

COINAGE, MINTS, AND ASSAY OFFICES, 2 Fed. Stat. Annot. 105.

An Act Providing for the restoration of the motto "In God we trust" on certain denominations of the gold and silver coins of the United States.

[Act of May 18, 1908, ch. 173, 35 Stat. L. 164.]

[SEC. 1.] [Coins—restoration of motto "In God we trust."] That the motto "In God we trust," heretofore inscribed on certain denominations of the

Act of May 18, 1908.

COINAGE, MINTS, ETC.

Act of May 18, 1908.

gold and silver coins of the United States of America, shall hereafter be inscribed upon all such gold and silver coins of said denominations as heretofore. [35 Stat. L. 164.]

SEC. 2. [*Effect.*] That this Act shall take effect thirty days after its approval by the President. [35 Stat. L. 164.]

COLLECTORS OF CUSTOMS.

See *CUSTOMS DUTIES.*

COLLEGES.

See *EDUCATION.*

COLLISIONS.

Act of Jan. 19, 1907, Ch. 300, 75.

Sec. 1. Collisions at Sea — Regulations to Prevent, 75.

Lights on Fishing Craft under Way, 75.

Open Boats Fishing at Night — Additional Light, 75.

Drift Nets — In the Mediterranean Sea, etc., 75.

Fishing with Lines — In the Mediterranean Sea, etc., 76.

Trawling — Steam Vessels — Sailing Vessels, 76.

Oyster Dredgers, 76.

Flare-up Light, 76.

Vessels at Anchor — Additional Light, 76.

When Fast to Rock, etc., 77.

Drift-net Vessels in Fog, etc., 77.

Day Signal — Limitations, 77.

2. Repeals, 77.

3. Effect, 77.

An Act To amend the Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea."

[Act of Jan. 19, 1907, ch. 300, 84 Stat. L. 850.]

[SEC. 1.] [*Collisions at sea — regulations to prevent.*] That the Act approved August nineteenth, eighteen hundred and ninety, entitled "An Act to adopt regulations for preventing collisions at sea," be, and hereby is, amended by inserting therein the following:

The Act of Aug. 19, 1890, is given in 2 Fed. Stat. Annot. 163.

"ARTICLE 9. [*Lights on fishing craft under way.*] Fishing vessels and fishing boats, when under way and when not required by this article to carry or show the lights hereinafter specified, shall carry or show the lights prescribed for vessels of their tonnage under way.

"(a) [*Open boats fishing at night — additional light.*] Open boats, by which is to be understood boats not protected from the entry of sea water by means of a continuous deck, when engaged in any fishing at night, with outlying tackle extending not more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light.

"Open boats, when fishing at night, with outlying tackle extending more than one hundred and fifty feet horizontally from the boat into the seaway, shall carry one all-round white light, and in addition, on approaching or being approached by other vessels, shall show a second white light at least three feet below the first light and at a horizontal distance of at least five feet away from it in the direction in which the outlying tackle is attached.

"(b) [*Drift nets — in the Mediterranean sea, etc.*] Vessels and boats, except open boats as defined in subdivision (a), when fishing with drift nets, shall, so long as the nets are wholly or partly in the water, carry two white lights where they can best be seen. Such lights shall be placed so that the vertical distance between them shall be not less than six feet and not more than fifteen feet, and so that the horizontal distance between them, measured in a

line with the keel, shall be not less than five feet and not more than ten feet. The lower of these two lights shall be in the direction of the nets, and both of them shall be of such a character as to show all around the horizon, and to be visible at a distance of not less than three miles.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the net or gear) a white light, visible at a distance of not less than one sea mile, on the approach of or to other vessels.

"(c) [*Fishing with lines — in the Mediterranean sea, etc.*] Vessels and boats, except open boats as defined in subdivision (a), when line fishing with their lines out and attached to or hauling their lines, and when not at anchor or stationary within the meaning of subdivision (h), shall carry the same lights as vessels fishing with drift nets. When shooting lines, or fishing with towing lines, they shall carry the lights prescribed for a steam or sailing vessel under way, respectively.

"Within the Mediterranean Sea and in the seas bordering the coasts of Japan and Korea sailing fishing vessels of less than twenty tons gross tonnage shall not be obliged to carry the lower of these two lights. Should they, however, not carry it, they shall show in the same position (in the direction of the lines) a white light, visible at a distance of not less than one sea mile on the approach of or to other vessels.

"(d) [*Trawling — steam vessels — sailing vessels.*] Vessels when engaged in trawling, by which is meant the dragging of an apparatus along the bottom of the sea —

"First. If steam vessels, shall carry in the same position as the white light mentioned in article two (a) a tri-colored lantern so constructed and fixed as to show a white light from right ahead to two points on each bow, and a green light and a red light over an arc of the horizon from two points on each bow to two points abaft the beam on the starboard and port sides, respectively; and not less than six nor more than twelve feet below the tri-colored lantern a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon.

"Second. If sailing vessels, shall carry a white light in a lantern, so constructed as to show a clear, uniform, and unbroken light all around the horizon, and shall also, on the approach of or to other vessels, show where it can best be seen a white flare-up light or torch in sufficient time to prevent collision.

"All lights mentioned in subdivision (d) first and second shall be visible at a distance of at least two miles.

"(e) [*Oyster dredgers.*] Oyster dredgers and other vessels fishing with dredge nets shall carry and show the same lights as trawlers.

"(f) [*Flare-up light.*] Fishing vessels and fishing boats may at any time use a flare-up light in addition to the lights which they are by this article required to carry and show, and they may also use working lights.

"(g) [*Vessels at anchor — additional light.*] Every fishing vessel and every fishing boat under one hundred and fifty feet in length, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile.

"Every fishing vessel of one hundred and fifty feet in length or upward, when at anchor, shall exhibit a white light visible all around the horizon at a distance of at least one mile, and shall exhibit a second light as provided for vessels of such length by article eleven.

"Should any such vessel, whether under one hundred and fifty feet in length or of one hundred and fifty feet in length or upward, be attached to a net or other fishing gear, she shall on the approach of other vessels show an additional white light at least three feet below the anchor light, and at a horizontal distance of at least five feet away from it in the direction of the net or gear.

"(h) [*When fast to rock, etc.*] If a vessel or boat when fishing becomes stationary in consequence of her gear getting fast to a rock or other obstruction, she shall in daytime haul down the day signal required by subdivision (k); at night show the light or lights prescribed for a vessel at anchor; and during fog, mist, falling snow, or heavy rain storms make the signal prescribed for a vessel at anchor. (See subdivision (d) and the last paragraph of article fifteen.)

"(i) [*Drift-net vessels in fog, etc.*] In fog, mist, falling snow, or heavy rain storms drift-net vessels attached to their nets, and vessels when trawling, dredging, or fishing with any kind of drag net, and vessels line fishing with their lines out, shall, if of twenty tons gross tonnage or upward, respectively, at intervals of not more than one minute make a blast; if steam vessels, with the whistle or siren, and if sailing vessels, with the foghorn, each blast to be followed by ringing the bell. Fishing vessels and boats of less than twenty tons gross tonnage shall not be obliged to give the above-mentioned signals; but if they do not, they shall make some other efficient sound signal at intervals of not more than one minute.

"(k) [*Day signal — limitations.*] All vessels or boats fishing with nets or lines or trawls, when under way, shall in daytime indicate their occupation to an approaching vessel by displaying a basket or other efficient signal where it can best be seen. If vessels or boats at anchor have their gear out, they shall, on the approach of other vessels, show the same signal on the side on which those vessels can pass.

"The vessels required by this article to carry or show the lights hereinbefore specified shall not be obliged to carry the lights prescribed by article four (a) and the last paragraph of article eleven." [*34 Stat. L. 850.*]

SEC. 2. [*Repeals.*] That article ten of the Act approved March third, eighteen hundred and eighty-five, entitled "An Act to adopt the revised international regulations for preventing collisions at sea," and the Act approved August thirtieth [thirteenth?], eighteen hundred and ninety-four, entitled "An Act relating to lights on fishing vessels," are hereby repealed. [*34 Stat. L. 852.*]

For Art. 10 of Act of March 3, 1885, see 2 Fed. Stat. Annot. 166; for Act of Aug. 13, 1894, see 2 Fed. Stat. Annot. 165.

SEC. 3. [*Effect.*] That this Act shall take effect on the first day of January, nineteen hundred and eight. [*34 Stat. L. 852.*]

COMMERCE.

Offenses against, see PENAL LAWS.

COMMERCE AND LABOR.

Fisheries in Alaska, see ALASKA.

Bureau of Immigration and Naturalization, see NATURALIZATION.

COMMISSIONERS.

See JUDICIAL OFFICERS.

COMMON CARRIERS.

See CARRIERS.

CONFEDERATE SOLDIERS AND SAILORS.

See CEMETERIES.

CONGRESS.

Act of Feb. 26, 1907, Ch. 1625, 79.

Sec. 4. Salaries of Speaker, Vice-President, and Secretaries — Senators, Representatives, Delegates, and Porto Rico Commissioner, 79.

5. Repeal, 79.

CROSS-REFERENCES.

Delegate from Alaska, see ALASKA.

Delegate from Hawaii, see HAWAIIAN ISLANDS.

Offenses by Members of Congress, see PENAL LAWS.

Printing for Congress, see PUBLIC PRINTING.

Office Building, see PUBLIC PROPERTY, BUILDINGS, AND GROUNDS.

SEC. 4. [*Salaries of speaker, vice-president, and secretaries — senators, representatives, delegates, and Porto Rico commissioner.*] That on and after March fourth, nineteen hundred and seven, the compensation of the Speaker of the House of Representatives, the Vice-President of the United States and the heads of Executive Departments who are members of the President's Cabinet shall be at the rate of twelve thousand dollars per annum each, and the compensation of Senators, Representatives in Congress, Delegates from Territories, and Resident Commissioner from Porto Rico shall be at the rate of seven thousand five hundred dollars per annum each. [*34 Stat. L. 993.*]

So far as it concerns the secretary of state this section is repealed by the Act of Feb. 17, 1909, ch. 187, given under the title DEPARTMENT OF STATE, *post*.

SEC. 5. [*Repeal.*] That all laws or parts of laws inconsistent with this Act are repealed. [*34 Stat. L. 994.*]

This and the preceding section are from Legislative, Executive, and Judicial Appropriation Act, Feb. 28, 1907, ch. 1635.

CONGRESSIONAL RECORD.

See *PUBLIC DOCUMENTS*.

CONSPIRACY.

See *PENAL LAWS*.

CONSULAR OFFICERS.

See *DIPLOMATIC AND CONSULAR OFFICERS*.

CONTRACT LABORERS.

See *IMMIGRATION*.

COPYRIGHT.

Act of March 4, 1909, Ch. 320, 81.

- Sec. 1. Copyright — Exclusive Rights Conferred — To Print, Vend, etc., Copyrighted Works — Translate, Dramatize, etc. — Deliver in Public as Lecture, etc. — Perform, Exhibit, etc., if Drama — If a Musical Composition — Mechanical Reproduction — Royalty to Owner by Manufacturer, 81.*
- 2. Rights at Common Law Not Impaired, 82.*
- 3. Component Parts Protected — Composite Works, etc., 82.*
- 4. All Writings of Author Included, 82.*
- 5. Classification of Applications, 83.*
- 6. Compilations, etc., of Works in Public Domain, etc. — Subsisting Copyrights Not Affected, 83.*
- 7. Effect on Excluded Works — Government Publication of Copyrighted Material, etc., 83.*
- 8. Issue of, to Author, Assigns, etc. — Alien Rights, 83.*
- 9. Affixing Notice of Copyright, 84.*
- 10. Certificate of Deposit of Copies, 84.*
- 11. Works Not Reproduced for Sale, 84.*
- 12. Deposit of Two Copies, 84.*
- 13. Same — Penalty for Default, 84.*
- 14. Postmasters to Receipt for Articles, etc., 85.*
- 15. Mechanical Work, etc., to Be Done in the United States, 85.*
- 16. Affidavits Required, 85.*
- 17. Penalty for False Statements, 85.*
- 18. Form of Notice Required on Books, etc., 86.*
- 19. Place of Notice of Copyright — One Notice Sufficient, 86.*
- 20. Effect of Accidental Omissions of Notice, 86.*
- 21. Ad Interim Protection of Book Published Abroad, 86.*
- 22. Same — Full Term Allowed, 86.*
- 23. Duration of Term, 87.*
- 24. Renewals and Extensions, 87.*
- 25. Infringement — Liability, 87.*
- 26. Enforcement of Remedies, 89.*
- 27. Joining of Proceedings in One Action, 89.*
- 28. Penalty for Infringement, 89.*
- 29. Fraudulent Copyright Notice, 89.*
- 30. Importation of Articles with False Notice, 89.*
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- 41. Distinction between Copyright and Material Object Copyrighted, 91.*
- 42. Assignments, etc., 91.*
- 43. Assignments Executed Abroad, 92.*
- 44. Recording Assignments — Time Limit, 92.*
- 45. Certificate of Record of Assignment, 92.*
- 46. Use of Assignee's Name in Copyright Notice, 92.*

- Sec. 47. Copyright Office — Preservation of Records, etc., in, 92.*
48. Register of Copyrights, Assistant, etc. — Appointment of, etc., 92.
49. Deposit of Receipts — Reports, 92.
50. Bond of Register, 93.
51. Annual Report of Register, 93.
52. Seal of Copyright Office, 93.
53. Rules and Regulations, 93.
54. Record Books, 93.
55. Certificate of Registration — Legal Effect of — Receipt for Deposited Copies, 93.
56. Catalogue of Copyright Entries, 93.
57. Distribution and Sale of Current Catalogues, etc., 94.
58. Records Open to Inspection, 94.
59. Disposition of Deposited Articles, 94.
60. Destruction of Articles Undisposed of, 94.
61. Fees, 95.
62. Construction of Words "Date of Publication" and "Author," 95.
63. Repeal of Conflicting Laws — Pending Cases Not Affected, 95.
64. Effect, 95.

An Act To amend and consolidate the Acts respecting copyright.

[Act of March 4, 1909, ch. 320, 35 Stat. L. 1075.]

[SEC. 1.] [*Copyright — exclusive rights conferred.*] That any person entitled thereto, upon complying with the provisions of this Act, shall have the exclusive right:

(a) [*To print, vend, etc., copyrighted works.*] To print, reprint, publish, copy, and vend the copyrighted work;

(b) [*Translate, dramatize, etc.*] To translate the copyrighted work into other languages or dialects, or make any other version thereof, if it be a literary work; to dramatize it if it be a nondramatic work; to convert it into a novel or other nondramatic work if it be a drama; to arrange or adapt it if it be a musical work; to complete, execute, and finish it if it be a model or design for a work of art;

(c) [*Deliver in public as lecture, etc.*] To deliver or authorize the delivery of the copyrighted work in public for profit if it be a lecture, sermon, address, or similar production;

(d) [*Perform, exhibit, etc., if drama.*] To perform or represent the copyrighted work publicly if it be a drama or, if it be a dramatic work and not reproduced in copies for sale, to vend any manuscript or any record whatsoever thereof; to make or to procure the making of any transcription or record thereof by or from which, in whole or in part, it may in any manner or by any method be exhibited, performed, represented, produced, or reproduced; and to exhibit, perform, represent, produce, or reproduce it in any manner or by any method whatsoever;

(e) [*If a musical composition — mechanical reproduction — royalty to owner by manufacturer.*] To perform the copyrighted work publicly for profit if it be a musical composition and for the purpose of public performance for profit; and for the purposes set forth in subsection (a) hereof, to make any arrangement or setting of it or of the melody of it in any system of notation or any form of record in which the thought of an author may be recorded and from which it may be read or reproduced: *Provided*, That the provisions of this Act, so far as they secure copyright controlling the parts of instruments serving to reproduce mechanically the musical work, shall include only composi-

tions published and copyrighted after this Act goes into effect, and shall not include the works of a foreign author or composer unless the foreign state or nation of which such author or composer is a citizen or subject grants, either by treaty, convention, agreement, or law, to citizens of the United States similar rights: *And provided further, and as a condition of extending the copyright control to such mechanical reproductions,* That whenever the owner of a musical copyright has used or permitted or knowingly acquiesced in the use of the copyrighted work upon the parts of instruments serving to reproduce mechanically the musical work, any other person may make similar use of the copyrighted work upon the payment to the copyright proprietor of a royalty of two cents on each such part manufactured, to be paid by the manufacturer thereof; and the copyright proprietor may require, and if so the manufacturer shall furnish, a report under oath on the twentieth day of each month on the number of parts of instruments manufactured during the previous month serving to reproduce mechanically said musical work, and royalties shall be due on the parts manufactured during any month upon the twentieth of the next succeeding month. The payment of the royalty provided for by this section shall free the articles or devices for which such royalty has been paid from further contribution to the copyright except in case of public performance for profit: *And provided further,* That it shall be the duty of the copyright owner, if he uses the musical composition himself for the manufacture of parts of instruments serving to reproduce mechanically the musical work, or licenses others to do so, to file notice thereof, accompanied by a recording fee, in the Copyright Office, and any failure to file such notice shall be a complete defense to any suit, action, or proceeding for any infringement of such copyright.

In case of the failure of such manufacturer to pay to the copyright proprietor within thirty days after demand in writing the full sum of royalties due at said rate at the date of such demand the court may award taxable costs to the plaintiff and a reasonable counsel fee, and the court may, in its discretion, enter judgment therein for any sum in addition over the amount found to be due as royalty in accordance with the terms of this Act, not exceeding three times such amount.

The reproduction or rendition of a musical composition by or upon coin-operated machines shall not be deemed a public performance for profit unless a fee is charged for admission to the place where such reproduction or rendition occurs. [35 Stat. L. 1075.]

SEC. 2. [*Rights at common law not impaired.*] That nothing in this Act shall be construed to annul or limit the right of the author or proprietor of an unpublished work, at common law or in equity, to prevent the copying, publication, or use of such unpublished work without his consent, and to obtain damages therefor. [35 Stat. L. 1076.]

SEC. 3. [*Component parts protected — composite works, etc.*] That the copyright provided by this Act shall protect all the copyrightable component parts of the work copyrighted, and all matter therein in which copyright is already subsisting, but without extending the duration or scope of such copyright. The copyright upon composite works or periodicals shall give to the proprietor thereof all the rights in respect thereto which he would have if each part were individually copyrighted under this Act. [35 Stat. L. 1076.]

SEC. 4. [*All writings of author included.*] That the works for which copyright may be secured under this Act shall include all the writings of an author. [35 Stat. L. 1076.]

SEC. 5. [*Classification of applications.*] That the application for registration shall specify to which of the following classes the work in which copyright is claimed belongs:

- (a) Books, including composite and cyclopædic works, directories, gazetteers, and other compilations;
- (b) Periodicals, including newspapers;
- (c) Lectures, sermons, addresses, prepared for oral delivery;
- (d) Dramatic or dramatico-musical compositions;
- (e) Musical compositions;
- (f) Maps;
- (g) Works of art, models or designs for works of art;
- (h) Reproductions of a work of art;
- (i) Drawings or plastic works of a scientific or technical character;
- (j) Photographs;
- (k) Prints and pictorial illustrations:

Provided, nevertheless, That the above specifications shall not be held to limit the subject-matter of copyright as defined in section four of this Act, nor shall any error in classification invalidate or impair the copyright protection secured under this Act. [35 Stat. L. 1076.]

SEC. 6. [*Compilations, etc., of works in public domain, etc. — subsisting copyrights not affected.*] That compilations or abridgements, adaptations, arrangements, dramatizations, translations, or other versions of works in the public domain, or of copyrighted works when produced with the consent of the proprietor of the copyright in such works, or works republished with new matter, shall be regarded as new works subject to copyright under the provisions of this Act; but the publication of any such new works shall not affect the force or validity of any subsisting copyright upon the matter employed or any part thereof, or be construed to imply an exclusive right to such use of the original works, or to secure or extend copyright in such original works. [35 Stat. L. 1077.]

SEC. 7. [*Effect on excluded works — government publication of copyrighted material, etc.*] That no copyright shall subsist in the original text of any work which is in the public domain, or in any work which was published in this country or any foreign country prior to the going into effect of this Act and has not been already copyrighted in the United States, or in any publication of the United States Government, or any reprint, in whole or in part, thereof: *Provided, however,* That the publication or republication by the Government, either separately or in a public document, of any material in which copyright is subsisting shall not be taken to cause any abridgement or annulment of the copyright or to authorize any use or appropriation of such copyright material without the consent of the copyright proprietor. [35 Stat. L. 1077.]

SEC. 8. [*Issue of, to author, assigns, etc. — alien rights.*] That the author or proprietor of any work made the subject of copyright by this Act, or his executors, administrators, or assigns, shall have copyright for such work under the conditions and for the terms specified in this Act: *Provided, however,* That the copyright secured by this Act shall extend to the work of an author or proprietor who is a citizen or subject of a foreign state or nation, only:

- (a) When an alien author or proprietor shall be domiciled within the United States at the time of the first publication of his work; or
- (b) When the foreign state or nation of which such author or proprietor is a citizen or subject grants, either by treaty, convention, agreement, or law, to

citizens of the United States the benefit of copyright on substantially the same basis as to its own citizens, or copyright protection substantially equal to the protection secured to such foreign author under this Act or by treaty; or when such foreign state or nation is a party to an international agreement which provides for reciprocity in the granting of copyright, by the terms of which agreement the United States may, at its pleasure, become a party thereto.

The existence of the reciprocal conditions aforesaid shall be determined by the President of the United States, by proclamation made from time to time, as the purposes of this Act may require. [35 Stat. L. 1077.]

SEC. 9. [*Affixing notice of copyright.*] That any person entitled thereto by this Act may secure copyright for his work by publication thereof with the notice of copyright required by this Act; and such notice shall be affixed to each copy thereof published or offered for sale in the United States by authority of the copyright proprietor, except in the case of books seeking ad interim protection under section twenty-one of this Act. [35 Stat. L. 1077.]

SEC. 10. [*Certificate of deposit of copies.*] That such person may obtain registration of his claim to copyright by complying with the provisions of this Act, including the deposit of copies, and upon such compliance the register of copyrights shall issue to him the certificate provided for in section fifty-five of this Act. [35 Stat. L. 1078.]

SEC. 11. [*Works not reproduced for sale.*] That copyright may also be had of the works of an author of which copies are not reproduced for sale, by the deposit, with claim of copyright, of one complete copy of such work if it be a lecture or similar production or a dramatic or musical composition; of a photographic print if the work be a photograph; or of a photograph or other identifying reproduction thereof if it be a work of art or a plastic work or drawing. But the privilege of registration of copyright secured hereunder shall not exempt the copyright proprietor from the deposit of copies under sections twelve and thirteen of this Act where the work is later reproduced in copies for sale. [35 Stat. L. 1078.]

SEC. 12. [*Deposit of two copies.*] That after copyright has been secured by publication of the work with the notice of copyright as provided in section nine of this Act, there shall be promptly deposited in the copyright office or in the mail addressed to the register of copyrights, Washington, District of Columbia, two complete copies of the best edition thereof then published, which copies, if the work be a book or periodical, shall have been produced in accordance with the manufacturing provisions specified in section fifteen of this Act; or if such work be a contribution to a periodical, for which contribution special registration is requested, one copy of the issue or issues containing such contribution; or if the work is not reproduced in copies for sale, there shall be deposited the copy, print, photograph, or other identifying reproduction provided by section eleven of this Act, such copies or copy, print, photograph, or other reproduction to be accompanied in each case by a claim of copyright. No action or proceeding shall be maintained for infringement of copyright in any work until the provisions of this Act with respect to the deposit of copies and registration of such work shall have been complied with. [35 Stat. L. 1078.]

SEC. 13. [*Same — penalty for default.*] That should the copies called for by section twelve of this Act not be promptly deposited as herein provided, the register of copyrights may at any time after the publication of the work, upon actual notice, require the proprietor of the copyright to deposit them, and after

the said demand shall have been made, in default of the deposit of copies of the work within three months from any part of the United States, except an outlying territorial possession of the United States, or within six months from any outlying territorial possession of the United States, or from any foreign country, the proprietor of the copyright shall be liable to a fine of one hundred dollars and to pay to the Library of Congress twice the amount of the retail price of the best edition of the work, and the copyright shall become void. [35 Stat. L. 1078.]

SEC. 14. [*Postmasters to receipt for articles, etc.*] That the postmaster to whom are delivered the articles deposited as provided in sections eleven and twelve of this Act shall, if requested, give a receipt therefor and shall mail them to their destination without cost to the copyright claimant. [35 Stat. L. 1078.]

SEC. 15. [*Mechanical work, etc., to be done in the United States.*] That of the printed book or periodical specified in section five, subsections (a) and (b) of this Act, except the original text of a book of foreign origin in a language or languages other than English, the text of all copies accorded protection under this Act, except as below provided, shall be printed from type set within the limits of the United States, either by hand or by the aid of any kind of type-setting machine, or from plates made within the limits of the United States from type set therein, or, if the text be produced by lithographic process, or photo-engraving process, then by a process wholly performed within the limits of the United States, and the printing of the text and binding of the said book shall be performed within the limits of the United States; which requirements shall extend also to the illustrations within a book consisting of printed text and illustrations produced by lithographic process, or photo-engraving process, and also to separate lithographs or photo-engravings, except where in either case the subjects represented are located in a foreign country and illustrate a scientific work or reproduce a work of art; but they shall not apply to works in raised characters for the use of the blind, or to books of foreign origin in a language or languages other than English, or to books published abroad in the English language seeking ad interim protection under this Act. [35 Stat. L. 1078.]

SEC. 16. [*Affidavits required.*] That in the case of the book the copies so deposited shall be accompanied by an affidavit, under the official seal of any officer authorized to administer oaths within the United States, duly made by the person claiming copyright or by his duly authorized agent or representative residing in the United States, or by the printer who has printed the book, setting forth that the copies deposited have been printed from type set within the limits of the United States or from plates made within the limits of the United States from type set therein; or, if the text be produced by lithographic process, or photo-engraving process, that such process was wholly performed within the limits of the United States, and that the printing of the text and binding of the said book have also been performed within the limits of the United States. Such affidavit shall state also the place where and the establishment or establishments in which such type was set or plates were made or lithographic process, or photo-engraving process or printing and binding were performed and the date of the completion of the printing of the book or the date of publication. [35 Stat. L. 1079.]

SEC. 17. [*Penalty for false statements.*] That any person who, for the purpose of obtaining registration of a claim to copyright, shall knowingly make a false affidavit as to his having complied with the above conditions shall be

deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than one thousand dollars, and all of his rights and privileges under said copyright shall thereafter be forfeited. [35 Stat. L. 1079.]

SEC. 18. [*Form of notice required on books, etc.*] That the notice of copyright required by section nine of this Act shall consist either of the word "Copyright" or the abbreviation "Copr.", accompanied by the name of the copyright proprietor, and if the work be a printed literary, musical, or dramatic work, the notice shall include also the year in which the copyright was secured by publication. In the case, however, of copies of works specified in subsections (f) to (k), inclusive, of section five of this Act, the notice may consist of the letter C inclosed within a circle, thus: ©, accompanied by the initials, monogram, mark, or symbol of the copyright proprietor: *Provided*, That on some accessible portion of such copies or of the margin, back, permanent base, or pedestal, or of the substance on which such copies shall be mounted, his name shall appear. But in the case of works in which copyright is subsisting when this Act shall go into effect, the notice of copyright may be either in one of the forms prescribed herein or in one of those prescribed by the Act of June eighteenth, eighteen hundred and seventy-four. [35 Stat. L. 1079.]

SEC. 19. [*Place of notice of copyright — one notice sufficient.*] That the notice of copyright shall be applied, in the case of a book or other printed publication, upon its title-page or the page immediately following, or if a periodical either upon the title-page or upon the first page of text of each separate number or under the title heading, or if a musical work either upon its title-page or the first page of music: *Provided*, That one notice of copyright in each volume or in each number of a newspaper or periodical published shall suffice. [35 Stat. L. 1079.]

SEC. 20. [*Effect of accidental omissions of notice.*] That where the copyright proprietor has sought to comply with the provisions of this Act with respect to notice, the omission by accident or mistake of the prescribed notice from a particular copy or copies shall not invalidate the copyright or prevent recovery for infringement against any person who, after actual notice of the copyright, begins an undertaking to infringe it, but shall prevent the recovery of damages against an innocent infringer who has been misled by the omission of the notice; and in a suit for infringement no permanent injunction shall be had unless the copyright proprietor shall reimburse to the innocent infringer his reasonable outlay innocently incurred if the court, in its discretion, shall so direct. [35 Stat. L. 1080.]

SEC. 21. [*Ad interim protection of book published abroad.*] That in the case of a book published abroad in the English language before publication in this country, the deposit in the copyright office, not later than thirty days after its publication abroad, of one complete copy of the foreign edition, with a request for the reservation of the copyright and a statement of the name and nationality of the author and of the copyright proprietor and of the date of publication of the said book, shall secure to the author or proprietor an ad interim copyright, which shall have all the force and effect given to copyright by this Act, and shall endure until the expiration of thirty days after such deposit in the copyright office. [35 Stat. L. 1080.]

SEC. 22. [*Same — full term allowed.*] That whenever within the period of such ad interim protection an authorized edition of such book shall be published within the United States, in accordance with the manufacturing provi-

sions specified in section fifteen of this Act, and whenever the provisions of this Act as to deposit of copies, registration, filing of affidavit, and the printing of the copyright notice shall have been duly complied with, the copyright shall be extended to endure in such book for the full term elsewhere provided in this Act.

SEC. 23. [*Duration of term.*] That the copyright secured by this Act shall endure for twenty-eight years from the date of first publication, whether the copyrighted work bears the author's true name or is published anonymously or under an assumed name: *Provided*, That in the case of any posthumous work or of any periodical, cyclopedic, or other composite work upon which the copyright was originally secured by the proprietor thereof, or of any work copyrighted by a corporate body (otherwise than as assignee or licensee of the individual author) or by an employer for whom such work is made for hire, the proprietor of such copyright shall be entitled to a renewal and extension of the copyright in such work for the further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in the case of any other copyrighted work, including a contribution by an individual author to a periodical or to a cyclopedic or other composite work when such contribution has been separately registered, the author of such work, if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then the author's executors, or in the absence of a will, his next of kin shall be entitled to a renewal and extension of the copyright in such work for a further term of twenty-eight years when application for such renewal and extension shall have been made to the copyright office and duly registered therein within one year prior to the expiration of the original term of copyright: *And provided further*, That in default of the registration of such application for renewal and extension, the copyright in any work shall determine at the expiration of twenty-eight years from first publication. [*35 Stat. L. 1080.*]

SEC. 24. [*Renewals and extensions.*] That the copyright subsisting in any work at the time when this Act goes into effect may, at the expiration of the term provided for under existing law, be renewed and extended by the author of such work if still living, or the widow, widower, or children of the author, if the author be not living, or if such author, widow, widower, or children be not living, then by the author's executors, or in the absence of a will, his next of kin, for a further period such that the entire term shall be equal to that secured by this Act, including the renewal period: *Provided, however*, That if the work be a composite work upon which copyright was originally secured by the proprietor thereof, then such proprietor shall be entitled to the privilege of renewal and extension granted under this section: *Provided*, That application for such renewal and extension shall be made to the copyright office and duly registered therein within one year prior to the expiration of the existing term. [*35 Stat. L. 1080.*]

SEC. 25. [*Infringement — liability.*] That if any person shall infringe the copyright in any work protected under the copyright laws of the United States such person shall be liable:

- (a) To an injunction restraining such infringement;
- (b) To pay to the copyright proprietor such damages as the copyright proprietor may have suffered due to the infringement, as well as all the profits

which the infringer shall have made from such infringement, and in proving profits the plaintiff shall be required to prove sales only and the defendant shall be required to prove every element of cost which he claims, or in lieu of actual damages and profits such damages as to the court shall appear to be just, and in assessing such damages the court may, in its discretion, allow the amounts as hereinafter stated, but in the case of a newspaper reproduction of a copyrighted photograph such damages shall not exceed the sum of two hundred dollars nor be less than the sum of fifty dollars, and such damages shall in no other case exceed the sum of five thousand dollars nor be less than the sum of two hundred and fifty dollars, and shall not be regarded as a penalty:

First. In the case of a painting, statue, or sculpture, ten dollars for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Second. In the case of any work enumerated in section five of this Act, except a painting, statue, or sculpture, one dollar for every infringing copy made or sold by or found in the possession of the infringer or his agents or employees;

Third. In the case of a lecture, sermon, or address, fifty dollars for every infringing delivery;

Fourth. In the case of a dramatic or dramatico-musical or a choral or orchestral composition, one hundred dollars for the first and fifty dollars for every subsequent infringing performance; in the case of other musical compositions, ten dollars for every infringing performance;

(c) To deliver up on oath, to be impounded during the pendency of the action, upon such terms and conditions as the court may prescribe, all articles alleged to infringe a copyright;

(d) To deliver up on oath for destruction all the infringing copies or devices, as well as all plates, molds, matrices, or other means for making such infringing copies as the court may order;

(e) Whenever the owner of a musical copyright has used or permitted the use of the copyrighted work upon the parts of musical instruments serving to reproduce mechanically the musical work, then in case of infringement of such copyright by the unauthorized manufacture, use, or sale of interchangeable parts, such as disks, rolls, bands, or cylinders for use in mechanical music-producing machines adapted to reproduce the copyrighted music, no criminal action shall be brought, but in a civil action an injunction may be granted upon such terms as the court may impose, and the plaintiff shall be entitled to recover in lieu of profits and damages a royalty as provided in section one, subsection (e), of this Act: *Provided also*, That whenever any person, in the absence of a license agreement, intends to use a copyrighted musical composition upon the parts of instruments serving to reproduce mechanically the musical work, relying upon the compulsory license provision of this Act, he shall serve notice of such intention, by registered mail, upon the copyright proprietor at his last address disclosed by the records of the copyright office sending to the copyright office a duplicate of such notice; and in case of his failure so to do the court may, in its discretion, in addition to sums hereinabove mentioned, award the complainant a further sum, not to exceed three times the amount provided by section one, subsection (e), by way of damages, and not as a penalty, and also a temporary injunction until the full award is paid.

Rules and regulations for practice and procedure under this section shall be prescribed by the Supreme Court of the United States. [35 Stat. L. 1081.]

The rules adopted by the Supreme Court under this section are given at the close of this Act.

SEC. 26. [*Enforcement of remedies.*] That any court given jurisdiction under section thirty-four of this Act may proceed in any action, suit, or proceeding instituted for violation of any provision hereof to enter a judgment or decree enforcing the remedies herein provided. [35 Stat. L. 1082.]

SEC. 27. [*Joining of proceedings in one action.*] That the proceedings for an injunction, damages, and profits, and those for the seizure of infringing copies, plates, molds, matrices, and so forth, aforementioned, may be united in one action. [35 Stat. L. 1082.]

SEC. 28. [*Penalty for infringement.*] That any person who willfully and for profit shall infringe any copyright secured by this Act, or who shall knowingly and willfully aid or abet such infringement, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by imprisonment for not exceeding one year or by a fine of not less than one hundred dollars nor more than one thousand dollars, or both, in the discretion of the court: *Provided, however,* That nothing in this Act shall be so construed as to prevent the performance of religious or secular works, such as oratorios, cantatas, masses, or octavo choruses by public schools, church choirs, or vocal societies, rented, borrowed, or obtained from some public library, public school, church choir, school choir, or vocal society, provided the performance is given for charitable or educational purposes and not for profit. [35 Stat. L. 1082.]

SEC. 29. [*Fraudulent copyright notice.*] That any person who, with fraudulent intent, shall insert or impress any notice of copyright required by this Act, or words of the same purport, in or upon any uncopyrighted article, or with fraudulent intent shall remove or alter the copyright notice upon any article duly copyrighted shall be guilty of a misdemeanor, punishable by a fine of not less than one hundred dollars and not more than one thousand dollars. Any person who shall knowingly issue or sell any article bearing a notice of United States copyright which has not been copyrighted in this country, or who shall knowingly import any article bearing such notice or words of the same purport, which has not been copyrighted in this country, shall be liable to a fine of one hundred dollars. [35 Stat. L. 1082.]

SEC. 30. [*Importation of articles with false notice.*] That the importation into the United States of any article bearing a false notice of copyright when there is no existing copyright thereon in the United States, or of any piratical copies of any work copyrighted in the United States, is prohibited. [35 Stat. L. 1082.]

SEC. 31. [*Importation of copies — prohibition.*] That during the existence of the American copyright in any book the importation into the United States of any piratical copies thereof or of any copies thereof (although authorized by the author or proprietor) which have not been produced in accordance with the manufacturing provisions specified in section fifteen of this Act, or any plates of the same not made from type set within the limits of the United States, or any copies thereof produced by lithographic or photo-engraving process not performed within the limits of the United States, in accordance with the provisions of section fifteen of this Act, shall be, and is hereby, prohibited: *Provided, however,* That, except as regards piratical copies, such prohibition shall not apply:

(a) To works in raised characters for the use of the blind;

(b) To a foreign newspaper or magazine, although containing matter copyrighted in the United States printed or reprinted by authority of the copyright

proprietor, unless such newspaper or magazine contains also copyright matter printed or reprinted without such authorization;

(c) To the authorized edition of a book in a foreign language or languages of which only a translation into English has been copyrighted in this country.

(d) To any book published abroad with the authorization of the author or copyright proprietor when imported under the circumstances stated in one of the four subdivisions following, that is to say:

First. When imported, not more than one copy at one time, for individual use and not for sale; but such privilege of importation shall not extend to a foreign reprint of a book by an American author copyrighted in the United States;

Second. When imported by the authority or for the use of the United States;

Third. When imported, for use and not for sale, not more than one copy of any such book in any one invoice, in good faith, by or for any society or institution incorporated for educational, literary, philosophical, scientific, or religious purposes, or for the encouragement of the fine arts, or for any college, academy, school, or seminary of learning, or for any State, school, college, university, or free public library in the United States;

Fourth. When such books form parts of libraries or collections purchased en bloc for the use of societies, institutions, or libraries designated in the foregoing paragraph, or form parts of the libraries or personal baggage belonging to persons or families arriving from foreign countries and are not intended for sale: *Provided*, That copies imported as above may not lawfully be used in any way to violate the rights of the proprietor of the American copyright or annul or limit the copyright protection secured by this Act, and such unlawful use shall be deemed an infringement of copyright. [35 Stat. L. 1082.]

SEC. 32. [*Forfeiture, etc., of prohibited articles — destruction.*] That any and all articles prohibited importation by this Act which are brought into the United States from any foreign country (except in the mails) shall be seized and forfeited by like proceedings as those provided by law for the seizure and condemnation of property imported into the United States in violation of the customs revenue laws. Such articles when forfeited shall be destroyed in such manner as the Secretary of the Treasury or the court, as the case may be, shall direct: *Provided, however*, That all copies of authorized editions of copyright books imported in the mails or otherwise in violation of the provisions of this Act may be exported and returned to the country of export whenever it is shown to the satisfaction of the Secretary of the Treasury, in a written application, that such importation does not involve willful negligence or fraud. [35 Stat. L. 1083.]

SEC. 33. [*Rules, etc., to prevent importation of.*] That the Secretary of the Treasury and the Postmaster-General are hereby empowered and required to make and enforce such joint rules and regulations as shall prevent the importation into the United States in the mails of articles prohibited importation by this Act, and may require notice to be given to the Treasury Department or Post-Office Department, as the case may be, by copyright proprietors or injured parties, of the actual or contemplated importation of articles prohibited importation by this Act, and which infringe the rights of such copyright proprietors or injured parties. [35 Stat. L. 1083.]

SEC. 34. [*Courts given cognizance of copyright cases.*] That all actions, suits, or proceedings arising under the copyright laws of the United States shall be originally cognizable by the circuit courts of the United States, the

district court of any Territory, the supreme court of the District of Columbia, the district courts of Alaska, Hawaii, and Porto Rico, and the courts of first instance of the Philippine Islands. [35 Stat. L. 1084.]

SEC. 35. [*Where suits may be instituted.*] That civil actions, suits, or proceedings arising under this Act may be instituted in the district of which the defendant or his agent is an inhabitant, or in which he may be found. [35 Stat. L. 1084.]

SEC. 36. [*Injunctions.*] That any such court or judge thereof shall have power, upon bill in equity filed by any party aggrieved, to grant injunctions to prevent and restrain the violation of any right secured by said laws, according to the course and principles of courts of equity, on such terms as said court or judge may deem reasonable. Any injunction that may be granted restraining and enjoining the doing of anything forbidden by this Act may be served on the parties against whom such injunction may be granted anywhere in the United States, and shall be operative throughout the United States and be enforceable by proceedings in contempt or otherwise by any other court or judge possessing jurisdiction of the defendants. [35 Stat. L. 1084.]

SEC. 37. [*Transmission of papers to another court.*] That the clerk of the court, or judge granting the injunction, shall, when required so to do by the court hearing the application to enforce said injunction, transmit without delay to said court a certified copy of all the papers in said cause that are on file in his office. [35 Stat. L. 1084.]

SEC. 38. [*Appeals.*] That the orders, judgments, or decrees of any court mentioned in section thirty-four of this Act arising under the copyright laws of the United States may be reviewed on appeal or writ of error in the manner and to the extent now provided by law for the review of cases determined in said courts, respectively. [35 Stat. L. 1084.]

SEC. 39. [*Criminal action — time limit.*] That no criminal proceeding shall be maintained under the provisions of this Act unless the same is commenced within three years after the cause of action arose. [35 Stat. L. 1084.]

SEC. 40. [*Allowance of costs.*] That in all actions, suits, or proceedings under this Act, except when brought by or against the United States or any officer thereof, full costs shall be allowed, and the court may award to the prevailing party a reasonable attorney's fee as part of the costs. [35 Stat. L. 1084.]

SEC. 41. [*Distinction between copyright and material object copyrighted.*] That the copyright is distinct from the property in the material object copyrighted, and the sale or conveyance, by gift or otherwise, of the material object shall not of itself constitute a transfer of the copyright, nor shall the assignment of the copyright constitute a transfer of the title to the material object; but nothing in this Act shall be deemed to forbid, prevent, or restrict the transfer of any copy of a copyrighted work the possession of which has been lawfully obtained. [35 Stat. L. 1084.]

SEC. 42. [*Assignments, etc.*] That copyright secured under this or previous Acts of the United States may be assigned, granted, or mortgaged by an instrument in writing signed by the proprietor of the copyright, or may be bequeathed by will. [35 Stat. L. 1084.]

SEC. 43. [*Assignments executed abroad.*] That every assignment of copyright executed in a foreign country shall be acknowledged by the assignor before a consular officer or secretary of legation of the United States authorized by law to administer oaths or perform notarial acts. The certificate of such acknowledgement under the hand and official seal of such consular officer or secretary of legation shall be prima facie evidence of the execution of the instrument. [35 Stat. L. 1084.]

SEC. 44. [*Recording assignments — time limit.*] That every assignment of copyright shall be recorded in the copyright office within three calendar months after its execution in the United States or within six calendar months after its execution without the limits of the United States, in default of which it shall be void as against any subsequent purchaser or mortgagee for a valuable consideration, without notice, whose assignment has been duly recorded. [35 Stat. L. 1084.]

SEC. 45. [*Certificate of record of assignment.*] That the register of copyrights shall, upon payment of the prescribed fee, record such assignment, and shall return it to the sender with a certificate of record attached under seal of the copyright office, and upon the payment of the fee prescribed by this Act he shall furnish to any person requesting the same a certified copy thereof under the said seal. [35 Stat. L. 1085.]

SEC. 46. [*Use of assignee's name in copyright notice.*] That when an assignment of the copyright in a specified book or other work has been recorded the assignee may substitute his name for that of the assignor in the statutory notice of copyright prescribed by this Act. [35 Stat. L. 1085.]

SEC. 47. [*Copyright office — preservation of records, etc., in.*] That all records and other things relating to copyrights required by law to be preserved shall be kept and preserved in the copyright office, Library of Congress, District of Columbia, and shall be under the control of the register of copyrights, who shall, under the direction and supervision of the Librarian of Congress, perform all the duties relating to the registration of copyrights. [35 Stat. L. 1085.]

SEC. 48. [*Register of copyrights, assistant, etc. — appointment of, etc.*] That there shall be appointed by the Librarian of Congress a register of copyrights, at a salary of four thousand dollars per annum, and one assistant register of copyrights, at a salary of three thousand dollars per annum, who shall have authority during the absence of the register of copyrights to attach the copyright office seal to all papers issued from the said office and to sign such certificates and other papers as may be necessary. There shall also be appointed by the Librarian such subordinate assistants to the register as may from time to time be authorized by law. [35 Stat. L. 1085.]

SEC. 49. [*Deposit of receipts — reports.*] That the register of copyrights shall make daily deposits in some bank in the District of Columbia, designated for this purpose by the Secretary of the Treasury as a national depository, of all moneys received to be applied as copyright fees, and shall make weekly deposits with the Secretary of the Treasury, in such manner as the latter shall direct, of all copyright fees actually applied under the provisions of this Act, and annual deposits of sums received which it has not been possible to apply as copyright fees or to return to the remitters, and shall also make monthly reports to the Secretary of the Treasury and to the Librarian of Congress of

the applied copyright fees for each calendar month, together with a statement of all remittances received, trust funds on hand, moneys refunded, and unapplied balances. [35 Stat. L. 1085.]

SEC. 50. [*Bond of register.*] That the register of copyrights shall give bond to the United States in the sum of twenty thousand dollars, in form to be approved by the Solicitor of the Treasury and with sureties satisfactory to the Secretary of the Treasury, for the faithful discharge of his duties. [35 Stat. L. 1085.]

SEC. 51. [*Annual report of register.*] That the register of copyrights shall make an annual report to the Librarian of Congress, to be printed in the annual report on the Library of Congress, of all copyright business for the previous fiscal year, including the number and kind of works which have been deposited in the copyright office during the fiscal year, under the provisions of this Act. [35 Stat. L. 1085.]

SEC. 52. [*Seal of copyright office.*] That the seal provided under the Act of July eighth, eighteen hundred and seventy, and at present used in the copyright office, shall continue to be the seal thereof, and by it all papers issued from the copyright office requiring authentication shall be authenticated. [35 Stat. L. 1085.]

SEC. 53. [*Rules and regulations.*] That, subject to the approval of the Librarian of Congress, the register of copyrights shall be authorized to make rules and regulations for the registration of claims to copyright as provided by this Act. [35 Stat. L. 1085.]

SEC. 54. [*Record books.*] That the register of copyrights shall provide and keep such record books in the copyright office as are required to carry out the provisions of this Act, and whenever deposit has been made in the copyright office of a copy of any work under the provisions of this Act he shall make entry thereof. [35 Stat. L. 1086.]

SEC. 55. [*Certificate of registration — legal effect of — receipt for deposited copies.*] That in the case of each entry the person recorded as the claimant of the copyright shall be entitled to a certificate of registration under seal of the copyright office, to contain his name and address, the title of the work upon which copyright is claimed, the date of the deposit of the copies of such work, and such marks as to class designation and entry number as shall fully identify the entry. In the case of a book the certificate shall also state the receipt of the affidavit as provided by section sixteen of this Act, and the date of the completion of the printing, or the date of the publication of the book, as stated in the said affidavit. The register of copyrights shall prepare a printed form for the said certificate, to be filled out in each case as above provided for, which certificate, sealed with the seal of the copyright office, shall, upon payment of the prescribed fee, be given to any person making application for the same, and the said certificate shall be admitted in any court as prima facie evidence of the facts stated therein. In addition to such certificate the register of copyrights shall furnish, upon request, without additional fee, a receipt for the copies of the work deposited to complete the registration. [35 Stat. L. 1086.]

SEC. 56. [*Catalogue of copyright entries.*] That the register of copyrights shall fully index all copyright registrations and assignments and shall

print at periodic intervals a catalogue of the titles of articles deposited and registered for copyright, together with suitable indexes, and at stated intervals shall print complete and indexed catalogues for each class of copyright entries, and may thereupon, if expedient, destroy the original manuscript catalogue cards containing the titles included in such printed volumes and representing the entries made during such intervals. The current catalogues of copyright entries and the index volumes herein provided for shall be admitted in any court as prima facie evidence of the facts stated therein as regards any copyright registration. [35 Stat. L. 1086.]

SEC. 57. [*Distribution and sale of current catalogues, etc.*] That the said printed current catalogues as they are issued shall be promptly distributed by the copyright office to the collectors of customs of the United States and to the postmasters of all exchange offices of receipt of foreign mails, in accordance with revised lists of such collectors of customs and postmasters prepared by the Secretary of the Treasury and the Postmaster-General, and they shall also be furnished to all parties desiring them at a price to be determined by the register of copyrights, not exceeding five dollars per annum for the complete catalogue of copyright entries and not exceeding one dollar per annum for the catalogues issued during the year for any one class of subjects. The consolidated catalogues and indexes shall also be supplied to all persons ordering them at such prices as may be determined to be reasonable, and all subscriptions for the catalogues shall be received by the Superintendent of Public Documents, who shall forward the said publications; and the moneys thus received shall be paid into the Treasury of the United States and accounted for under such laws and Treasury regulations as shall be in force at the time. [35 Stat. L. 1086.]

SEC. 58. [*Records open to inspection.*] That the record books of the copyright office, together with the indexes to such record books, and all works deposited and retained in the copyright office, shall be open to public inspection; and copies may be taken of the copyright entries actually made in such record books, subject to such safeguards and regulations as shall be prescribed by the register of copyrights and approved by the Librarian of Congress. [35 Stat. L. 1086.]

SEC. 59. [*Disposition of deposited articles.*] That of the articles deposited in the copyright office under the provisions of the copyright laws of the United States or of this Act, the Librarian of Congress shall determine what books and other articles shall be transferred to the permanent collections of the Library of Congress, including the law library, and what other books or articles shall be placed in the reserve collections of the Library of Congress for sale or exchange, or be transferred to other governmental libraries in the District of Columbia for use therein. [35 Stat. L. 1087.]

SEC. 60. [*Destruction of articles undisposed of.*] That of any articles undisposed of as above provided, together with all titles and correspondence relating thereto, the Librarian of Congress and the register of copyrights jointly shall, at suitable intervals, determine what of these received during any period of years it is desirable or useful to preserve in the permanent files of the copyright office, and, after due notice as hereinafter provided, may within their discretion cause the remaining articles and other things to be destroyed: *Provided*, That there shall be printed in the Catalogue of Copyright Entries from February to November, inclusive, a statement of the years of receipt of such

articles and a notice to permit any author, copyright proprietor, or other lawful claimant to claim and remove before the expiration of the month of December of that year anything found which relates to any of his productions deposited or registered for copyright within the period of years stated, not reserved or disposed of as provided for in this Act: *And provided further*, That no manuscript of an unpublished work shall be destroyed during its term of copyright without specific notice to the copyright proprietor of record, permitting him to claim and remove it. [35 Stat. L. 1087.]

SEC. 61. [*Fees.*] That the register of copyrights shall receive, and the persons to whom the services designated are rendered shall pay, the following fees: For the registration of any work subject to copyright, deposited under the provisions of this Act, one dollar, which sum is to include a certificate of registration under seal: *Provided*, That in the case of photographs the fee shall be fifty cents where a certificate is not demanded. For every additional certificate of registration made, fifty cents. For recording and certifying any instrument of writing for the assignment of copyright, or any such license specified in section one, subsection (e), or for any copy of such assignment or license, duly certified, if not over three hundred words in length, one dollar; if more than three hundred and less than one thousand words in length, two dollars; if more than one thousand words in length, one dollar additional for each one thousand words or fraction thereof over three hundred words. For recording the notice of user or acquiescence specified in section one, subsection (e), twenty-five cents for each notice if not over fifty words, and an additional twenty-five cents for each additional one hundred words. For comparing any copy of an assignment with the record of such document in the copyright office and certifying the same under seal, one dollar. For recording the extension or renewal of copyright provided for in sections twenty-three and twenty-four of this Act, fifty cents. For recording the transfer of the proprietorship of copyrighted articles, ten cents for each title of a book or other article, in addition to the fee prescribed for recording the instrument of assignment. For any requested search of copyright office records, indexes, or deposits, fifty cents for each full hour of time consumed in making such search: *Provided*, That only one registration at one fee shall be required in the case of several volumes of the same book deposited at the same time. [35 Stat. L. 1087.]

SEC. 62. [*Construction of words "date of publication" and "author."*] That in the interpretation and construction of this Act "the date of publication" shall in the case of a work of which copies are reproduced for sale or distribution be held to be the earliest date when copies of the first authorized edition were placed on sale, sold, or publicly distributed by the proprietor of the copyright or under his authority, and the word "author" shall include an employer in the case of works made for hire. [35 Stat. L. 1087.]

SEC. 63. [*Repeal of conflicting laws — pending cases not affected.*] That all laws or parts of laws in conflict with the provisions of this Act are hereby repealed, but nothing in this Act shall affect causes of action for infringement of copyright heretofore committed now pending in courts of the United States, or which may hereafter be instituted; but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law. [35 Stat. L. 1088.]

SEC. 64. [*Effect.*] That this Act shall go into effect on the first day of July, nineteen hundred and nine. [35 Stat. L. 1088.]

Rules adopted by the Supreme Court of the United States for practice and procedure under section 25 of An Act to amend and consolidate the acts respecting copyright, approved March 4, 1909. To go into effect July 1, 1909.

1.

The existing rules of equity practice, so far as they may be applicable, shall be enforced in proceedings instituted under section twenty-five (25) of the act of March fourth, nineteen hundred and nine, entitled "An act to amend and consolidate the acts respecting copyright."

2.

A copy of the alleged infringement of copyright, if actually made, and a copy of the work alleged to be infringed, should accompany the petition, or its absence be explained; except in cases of alleged infringement by the public performance of dramatic and dramatico-musical compositions, the delivery of lectures, sermons, addresses, and so forth, the infringement of copyright upon sculptures and other similar works and in any case where it is not feasible.

3.

Upon the institution of any action, suit, or proceeding, or at any time thereafter, and before the entry of final judgment or decree therein, the plaintiff or complainant, or his authorized agent or attorney, may file with the clerk of any court given jurisdiction under section 34 of the act of March 4, 1909, an affidavit stating upon the best of his knowledge, information, and belief, the number and location, as near as may be, of the alleged infringing copies, records, plates, molds, matrices, etc., or other means for making the copies alleged to infringe the copyright, and the value of the same, and with such affidavit shall file with the clerk a bond executed by at least two sureties and approved by the court or a commissioner thereof.

4.

Such bond shall bind the sureties in a specified sum, to be fixed by the court, but not less than twice the reasonable value of such infringing copies, plates, records, molds, matrices, or other means for making such infringing copies, and be conditioned for the prompt prosecution of the action, suit or proceeding; for the return of said articles to the defendant, if they or any of them are adjudged not to be infringements, or if the action abates, or is discontinued before they are returned to the defendant; and for the payment to the defendant of any damages which the court may award to him against the plaintiff or complainant. Upon the filing of said affidavit and bond, and the approval of said bond, the clerk shall issue a writ directed to the marshal of the district where the said infringing copies, plates, records, molds, matrices, etc., or other means of making such infringing copies shall be stated in said affidavit to be located, and generally to any marshal of the United States, directing the said marshal to forthwith seize and hold the same subject to the order of the court issuing said writ, or of the court of the district in which the seizure shall be made.

5.

The marshal shall thereupon seize said articles or any smaller or larger part thereof he may then or thereafter find, using such force as may be reasonably necessary in the premises, and serve on the defendant a copy of the affidavit, writ, and bond by delivering the same to him personally, if he can be found within the district, or if he can not be found, to his agent, if any, or to the person from whose possession the articles are taken, or if the owner, agent, or such person can not be found within the district by leaving said copy at the usual place of abode of such owner or agent, with a person of suitable age and discretion, or at the place where said articles are found, and shall make immediate return of such seizure, or attempted seizure, to the court. He shall also attach to said articles a tag or label stating the fact of such seizure and warning all persons from in any manner interfering therewith.

6.

A marshal who has seized alleged infringing articles, shall retain them in his possession, keeping them in a secure place, subject to the order of the court.

7.

Within three days after the articles are seized, and a copy of the affidavit, writ and bond are served as hereinbefore provided, the defendant shall serve upon the clerk a notice that he excepts to the amount of the penalty of the bond, or to the sureties of the plaintiff or complainant, or both, otherwise he shall be deemed to have waived all objection to the amount of the penalty of the bond and the sufficiency of the sureties thereon. If the court sustain the exceptions it may order a new bond to be executed by the plaintiff or complainant, or in default thereof within a time to be named by the court, the property to be returned to the defendant.

8.

Within ten days after service of such notice, the attorney of the plaintiff or complainant shall serve upon the defendant or his attorney a notice of the justification of the sureties, and said sureties shall justify before the court or a judge thereof at the time therein stated.

9.

The defendant, if he does not except to the amount of the penalty of the bond or the sufficiency of the sureties of the plaintiff or complainant, may make application to the court for the return to him of the articles seized, upon filing an affidavit stating all material facts and circumstances tending to show that the articles seized are not infringing copies, records, plates, molds, matrices, or means for making the copies alleged to infringe the copyright.

10.

Thereupon the court in its discretion, and after such hearing as it may direct, may order such return upon the filing by the defendant of a bond executed by at least two sureties, binding them in a specified sum to be fixed in the discretion of the court, and conditioned for the delivery of said specified articles to abide the order of the court. The plaintiff or complainant may require such sureties to justify within ten days of the filing of such bond.

11.

Upon the granting of such application and the justification of the sureties on the bond, the marshal shall immediately deliver the articles seized to the defendant.

12.

Any service required to be performed by any marshal may be performed by any deputy of such marshal.

13.

For services in cases arising under this section, the marshal shall be entitled to the same fees as are allowed for similar services in other cases.

CORPORATIONS.

Immunity of Witnesses, see WITNESSES.

The Act of Jan. 27, 1907, ch. 420, to prohibit corporations from making political contributions, is repealed by sec. 341 of the Act of March 4, 1909, ch. 321, given *infra*, under the title **PENAL LAWS**, and the provision is incorporated in the Penal Laws.

For the corporation tax provisions in the Tariff Act of March 4, 1909, see the Appendix to this volume.

COTTON.

See *AGRICULTURE*.

COUNTERFEITING.

See *PENAL LAWS*,

COURTS.

See *JUDICIARY*; *TERRITORIAL COURTS*.
Naval Deck Courts, see *NAVY*.

CRIMES AND OFFENSES.

Meat and Packing-house Inspection, see *ANIMALS*.

Copyright Offenses, see *COPYRIGHT*.

False Stamping of Gold and Silver Ware, see *FALSE STAMPING*.

Adulterated or Misbranded Food and Drugs, see *FOOD AND DRUGS*.

Writs of Error Allowed United States, see *JUDICIARY*.

Code of Penal Laws, see *PENAL LAWS*.

And see generally, *GAME ANIMALS AND BIRDS*; *HEALTH AND QUARANTINE*; *IMMIGRATION*; *INTERSTATE COMMERCE*; *NATURALIZATION*; *RAILROADS*; *SEAMEN*.

CROP REPORTS.

See *AGRICULTURE*.

CURRENCY.

Offenses against, see *PENAL LAWS*.

CURRENCY ASSOCIATIONS.

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CUSTOMS DUTIES.

Act of May 28, 1906, Ch. 2552, 100.

Oswego, N. Y., Granted Immediate Transportation Privileges, 100.

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Deputy Collectors to Be Appointed by Secretary of Treasury — Reports — Bond, 105.

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Officers to Be Paid from Permanent Appropriation, 106.

Act of Feb. 11, 1908, Ch. 20, 106.

Chattanooga, Tenn., Granted Immediate Transportation Facilities, 106.

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Sec. 1. Fairfield Collection District, Conn., Changed to Bridgeport, 106.

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Norwalk, Stamford, and Greenwich, Conn., Granted Immediate Transportation Privileges, 107.

Act of Feb. 24, 1908, Ch. 86, 107.

Alburg, Vt., Granted Immediate Transportation Privileges, 107.

Act of April 6, 1908, Ch. 185, 107.

Port Arthur, Tex., Granted Immediate Transportation Facilities, 107.

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An Act To extend the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, to the port of Oswego, New York.

[Act of May 28, 1906, ch. 2553, 34 Stat. L. 199.]

[Oswego, N. Y., granted immediate transportation privileges.] That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immedi-

ate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Oswego, in the State of New York. [34 Stat. L. 199.]

Section 7 of the Act of June 10, 1890, is set forth in 2 Fed. Stat. Annot. 715.

An Act To establish an additional collection district in the State of Texas, and for other purposes.

[Act of June 19, 1906, ch. 3436, 34 Stat. L. 302.]

[SEC. 1.] [*Sabine, Tex., collection district established — description — Port Arthur made port of entry — Port Arthur ship canal, etc., conveyed to United States — additional land conveyed — temporary control — right to sell, etc., subject to grant — effect — charges for use of docks, etc.*] That an additional collection district in the State of Texas shall be, and is hereby, established, to be known as the district of Sabine, to comprise all of that portion of the State of Texas formerly embraced in the district of Galveston and now hereby detached therefrom, beginning on the Gulf of Mexico at the center of the stream of Sabine Pass; thence north with the center of the stream of Sabine Pass to Sabine Lake; thence with the center of the stream of Sabine Lake to a point directly opposite to the Sabine River; thence north with the east shores of the Sabine River to the north boundary line of Shelby County, Texas; thence west to the Neches River; thence down said river with its west shores to a north boundary line of Jefferson County; thence in a westerly direction with the said north boundary line to the east boundary line of Liberty County, Texas; thence south to the Gulf of Mexico; thence in an easterly direction along the Gulf shores to the place of beginning; that Port Arthur, in the county of Jefferson, shall be the port of entry for said district, and Sabine, in the county of Jefferson, shall be a subport of entry: *Provided*, That there shall be conveyed to the United States, free of cost, a valid title to the line of water communication between Taylors Bayou and Sabine Pass, known as the Port Arthur Ship Canal, together with a valid title to the existing turning basin and to the artificial slip on which the lumber dock of the Port Arthur Canal and Dock Company is built; and the Secretary of War is hereby authorized to accept the said waterways as the property of the United States upon the delivery to him of a clear and indefeasible title thereto; and the said waterways shall thereupon become free public waters of the United States, and be subject to the laws heretofore enacted and that may be hereafter enacted by Congress for the maintenance, preservation, protection, and regulation of navigable waters: *Provided further*, That the company or corporation conveying title to said canal as aforesaid shall also convey to the United States, free of cost, the fee to a strip of land one hundred and fifty feet wide along the westerly margin of the canal, except that where the right of way of the Southern Pacific Railroad Company prevents the transfer of such strip of land along the westerly margin of said canal there shall be conveyed such strip on the easterly margin thereof as may be necessary to make up such one hundred and fifty feet of width, with the reservation that until Congress shall have authorized and provided for the enlargement and widening of said canal the said company or corporation, its successors or assigns, shall have the right to control, occupy, and use the said strip of land and every part thereof in the same manner and to the same extent as before the execution and delivery of the conveyance, and also the right to transfer, lease, sell, quitclaim, or otherwise dispose of said property and every part thereof, subject to the grant made to the United

States: *And provided further*, That this Act shall take effect only when the foregoing requirements shall have been fully complied with to the satisfaction of the Secretary of War. And the charges for the use of said docks and wharves shall be just and reasonable and shall not be greater than charges for similar services at other ports of the United States on the Gulf of Mexico. [34 Stat. L. 302.]

Sabine Pass as a port of entry and delivery, see 2 Fed. Stat. Annot. 557.

SEC. 2. [*Appointment of collector — residence at Port Arthur — salary, etc.*] That a collector for the district of Sabine aforesaid shall be appointed by the President, with the advice and consent of the Senate of the United States, who shall hold his office upon the terms and for the time prescribed by law for the like offices in other districts. The said collector shall reside at Port Arthur, the port of entry, and shall receive a salary of one thousand dollars a year in addition to the fees allowed by law, the total compensation not to exceed in the aggregate three thousand dollars. [34 Stat. L. 303.]

SEC. 3. [*Sabine made subport of entry, etc., with immediate transportation facilities — deputy collector — duties.*] That Sabine, in the State of Texas, shall be, and is hereby, made a subport of entry and delivery in the customs district of Sabine, with the privileges of immediate transportation, as defined by section seven of the Act of June tenth, eighteen hundred and eighty, entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one of the Statutes at Large; that a deputy collector and such other officers of the customs as may be deemed necessary by the Secretary of the Treasury shall be appointed to reside at said subport; and that, subject to the supervision of the collector at Port Arthur, the deputy collector of said subport is hereby authorized to license and enroll, enter and clear vessels, receive entries, collect duties, fees, and other moneys, and generally to perform the functions prescribed by law for collectors of customs, and perform such other services and receive such compensation as in the judgment of the Secretary of the Treasury the exigencies of commerce may require. [34 Stat. L. 303.]

Section 7 of the Act of June 10, 1890, is set forth in 2 Fed. Stat. Annot. 715.

An Act To amend an Act entitled "An Act to establish a port of delivery at Salt Lake City, Utah."

[Act of June 23, 1906, ch. 3519, 34 Stat. L. 452.]

[*Salt Lake City, Utah — surveyor — salary increased.*] That section two of an Act entitled "An Act to establish a port of delivery at Salt Lake City, Utah," approved March eighteenth, nineteen hundred and four, be, and the same is hereby, amended to read as follows:

"SEC. 2. That there shall be appointed a surveyor of customs to reside at said port, whose salary shall be one thousand five hundred dollars per annum, in lieu of all fees and commissions of every kind whatsoever." [34 Stat. L. 452.]

Section 2 of the Act of March 18, 1904, above referred to, is set forth in 10 Fed. Stat. Annot. 77.

An Act To amend section twenty-eight hundred and forty-four of the Revised Statutes of the United States, and to provide for an authentication of invoices of merchandise shipped to the United States from the Philippine Islands.

[Act of June 28, 1906, ch. 3569, 34 Stat. L. 539.]

[*Invoices — authentications in Philippines.*] That section numbered twenty-eight hundred and forty-four of the Revised Statutes of the United States is hereby amended by adding thereto the following: "*Provided, That the authentication may be made by the collector or a deputy collector of customs in the case of merchandise shipped to the United States from the Philippine Islands.*" [34 Stat. L. 539.]

R. S. sec. 2844, above referred to, is given in 2 Fed. Stat. Annot. 657.

An Act To extend the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, to the subport of Superior, Wisconsin.

[Act of June 29, 1906, ch. 3625, 34 Stat. L. 631.]

[*Superior, Wis., granted immediate transportation privileges.*] That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Superior, in the State of Wisconsin. [34 Stat. L. 631.]

Section 7 of the Act of June 10, 1880, is set forth in 2 Fed. Stat. Annot. 715.

An Act To amend section twenty-eight hundred and seventy-one of the Revised Statutes.

[Act of June 30, 1906, ch. 3909, 34 Stat. L. 633.]

[*Shipping — lading and unlading vessels — special license for, at night — extended to bonded carriers — bond — compensation for inspectors.*] That section twenty-eight hundred and seventy-one of the Revised Statutes of the United States is hereby amended so as to read as follows:

"**Sec. 2871.** Upon arrival at any port in the United States of a steamship or other conveyance from a foreign port or place, or upon the arrival of a steamship or other conveyance from another port in the United States belonging to a line designated by the Secretary of the Treasury as a common carrier of bonded merchandise, the collector of customs, with the concurrence of the naval officer, where there is one, upon or after the issuing of a general order, shall grant, upon proper application therefor, a special license to lade or unlade the cargo of said vessel or other conveyance at night — that is to say, between sunset and sunrise; but before any such special license is granted the master, agents, or consignees of the vessel or other conveyance shall execute and deliver to the collector a good and sufficient bond, to be approved by him, conditioned to indemnify and save the collector harmless from any and all losses and liabilities which may occur or be occasioned by reason of the granting of such special license. And any liability of the master or owner of any such steamship or other conveyance to the owner or consignee of any merchandise landed from her or other conveyance shall not be affected by the granting of such special license or of any general order, but such liability shall continue until the merchandise is properly removed from the dock whereon the same may be landed. The collector, under such general regulations as the Secretary of the

Treasury may prescribe, shall fix a uniform and reasonable rate of compensation for like service, to be paid by the master, owner, or consignee whenever such special license is granted, and shall collect and distribute the same among the inspectors assigned to superintend the lading or unlading of the cargo." [34 Stat. L. 633.]

R. S. sec. 2871, as it read prior to this amendment, is set forth in 2 Fed. Stat. Annot. 668.

SEC. 4. [*Collecting customs revenue — employment of counsel — Board of General Appraisers — solicitor to be appointed — assistants — duties — salaries — not subject to civil-service law — Chicago — salary of appraiser.*] So much of chapter one hundred and eighty-seven of the laws of eighteen hundred and ninety-five (Twenty-eighth Statutes, page eight hundred and forty-three, at page eight hundred and forty-eight) relative to the employment of counsel to protect the interests of the Treasury Department in cases before the Board of General Appraisers is hereby amended so as to read as follows: That the Attorney-General shall, at the request of the Secretary of the Treasury, appoint a solicitor of customs and such assistants, not to exceed three, as the Secretary may deem necessary to protect the interests of the United States in all cases and matters before the Board of General Appraisers; and the said solicitor and his assistants shall, whenever so directed by the Attorney-General, appear in courts of the United States in any cases appealed from said Board of General Appraisers and take such part in the management, conduct, and trial of such cases as the Attorney-General may deem advisable. That the salary of said solicitor shall be five thousand dollars per annum, and of said assistants not to exceed three thousand dollars per annum, to be fixed by the Attorney-General, and all of said salaries shall be paid out of the general appropriation for the expenses of collecting the revenue from customs. That said solicitor and assistants shall be appointed without compliance with the conditions prescribed by the Act entitled "An Act to regulate and improve the civil service," approved January sixteenth, eighteen hundred and eighty-three, and amendments thereof. And the salary of the Appraiser of Merchandise for the Port of Chicago is hereby fixed at four thousand five hundred dollars. [34 Stat. L. 762.]

The above sec. 4 is from the Sundry Civil Appropriation Act of June 30, 1906, ch. 3914.

The provision from chapter 187 of the Laws

of 1895, above referred to, is set forth in 2 Fed. Stat. Annot. 693. The Act of Jan. 16, 1883, above referred to, is given in 2 Fed. Stat. Annot. 809.

An Act To amend section twenty-five hundred and thirty-six of the Revised Statutes, relative to assistant appraisers at the port of New York, and further defining their powers, duties, and compensation.

[Act of Feb. 1, 1907, ch. 444, 34 Stat. L. 874.]

That section twenty-five hundred and thirty-six of the Revised Statutes be, and the same is hereby, amended as follows:

SECTION 1. [*Assistant appraisers, New York — number increased.*] That from and after the approval of this Act the subdivision numbered two of section twenty-five hundred and thirty-six of the Revised Statutes be, and the same is hereby, amended by striking out the words "and ten assistant appraisers who shall reside at the port of New York," and inserting in place thereof the words "and twelve assistant appraisers who shall reside at the port of New York." [34 Stat. L. 874.]

SEC. 2. [*Special deputy and deputy appraisers — duties, etc. — reports — compensation.*] That of such assistant appraisers, one shall be designated by the appraiser of merchandise in the district of New York, with the approval of the Secretary of the Treasury, as special deputy appraiser, and two, with like approval, as deputy appraisers; and any such designation may be revoked by the appraiser, with the approval or by the direction of the Secretary of the Treasury, at any time, and another designation made in place thereof. Such special deputy and deputies, respectively, shall at all times, in addition to the duties of assistant appraiser, exercise and perform such functions, powers, and duties appertaining to the office of appraiser as the said appraiser shall, under his hand and seal, respectively assign to them. Such special deputy and deputies shall be subject to the control and direction of the appraiser in the exercise of the functions, powers, and duties appertaining to the office of appraiser, and the said appraiser may revise and correct the reports of such special deputy and deputies as he may judge proper, and he may at any time revoke the authority so conferred on them to exercise the functions of appraiser. Such special deputy and deputies shall each receive during the time they are so designated, in addition to the salary as assistant appraisers, compensation at the rate of five hundred dollars per annum. [*34 Stat. L. 874.*]

R. S. sec. 2536, as it read prior to this amendment, is set forth in 2 Fed. Stat. Annot. 532.

An Act To amend an Act entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," approved June tenth, eighteen hundred and eighty, by extending the provisions of the first section thereof to the port of Brunswick, Georgia.

[*Act of Feb. 6, 1907, ch. 470, 34 Stat. L. 880.*]

[*Brunswick, Ga., granted immediate transportation privileges.*] That the privileges of the first section of the Act approved June tenth, anno Domini eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Brunswick, Georgia. [*34 Stat. L. 880.*]

Section 1 of the Act of June 10, 1880, is set forth in 2 Fed. Stat. Annot. 712.

An Act To prescribe the duties of deputy collectors of customs.

[*Act of Feb. 6, 1907, ch. 471, 34 Stat. L. 880.*]

[*Deputy collectors to be appointed by Secretary of the Treasury — reports — bond.*] That the Secretary of the Treasury be, and he is hereby, authorized to appoint a deputy collector of customs and other customs officers at ports and subports of entry in the several customs collection districts, and deputy collectors thus appointed shall have authority to receive entries, collect duties, and to perform any and all functions prescribed by law for collectors of customs, subject to such regulations and restrictions as the Secretary of the Treasury shall prescribe: *Provided*, That whenever the Secretary of the Treasury shall appoint a deputy collector at a port of entry where there is no collector, he shall designate the collector through whom such deputy shall report, but the bond of such deputy shall run to the Government, and the deputy shall be financially responsible directly to the Government. [*34 Stat. L. 880.*]

For earlier provisions as to deputy collectors, see R. S. 2630, 2 Fed. Stat. Annot. 585.

[SEC. 1.] [*Officers to be paid from permanent appropriation.*] * * * That hereafter all payments made to collectors or other officers of the customs on account of fees earned and heretofore paid from the permanent indefinite appropriation provided for by section one of the Act of June nineteenth, eighteen hundred and eighty-six, shall be paid from the appropriation "Expense of collecting the revenue from customs." [34 Stat. L. 1315.]

This is from Sundry Civil Appropriation Act, March 4, 1907, ch. 2918.

Section 1 of the Act of June 19, 1886, above referred to, is set forth in 7 Fed. Stat. Annot. 82.

An Act To extend to the port of Chattanooga, Tennessee, the privileges of immediate transportation of dutiable merchandise without appraisement.

[Act of Feb. 11, 1908, ch. 20, 35 Stat. L. 7.]

[*Chattanooga, Tenn., granted immediate transportation facilities.*] That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Chattanooga, in the State of Tennessee. [35 Stat. L. 7.]

Section 7 of the Act of June 10, 1880, above referred to, is given in 2 Fed. Stat. Annot. 715.

An Act Amending sections twenty-five hundred and thirty-three and twenty-five hundred and thirty-four of Revised Statutes, so as to change the name of the Fairfield collection district.

[Act of Feb. 11, 1908, ch. 21, 35 Stat. L. 7.]

[SEC. 1.] [*Fairfield collection district, Conn., changed to Bridgeport.*] That paragraph five of section twenty-five hundred and thirty-three of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

"Fifth. The district of Bridgeport, to comprise all the waters and shores in the State of Connecticut west of the district of New Haven, in which Bridgeport shall be the port of entry, and Norwalk and Stamford subports of entry, and Greenwich and Stratford ports of delivery."

R. S. sec. 2533, par. 5, above mentioned, is given in 2 Fed. Stat. Annot. 529.

SEC. 2. [*Collector.*] That paragraph five of section twenty-five hundred and thirty-four of the Revised Statutes of the United States of America is hereby amended so that said paragraph shall read as follows:

"Fifth. In the district of Bridgeport, a collector, who shall reside at Bridgeport."

R. S. sec. 2534, par. 5, above mentioned, is given in 2 Fed. Stat. Annot. 529.

An Act Amending an Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes."

[Act of Feb. 11, 1908, ch. 22, 35 Stat. L. 7.]

[*Knights Key, Fla., granted immediate transportation facilities.*] That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to

immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Knights Key, in the customs collection district of Key West, Florida. [35 Stat. L. 7.]

The Act of June 10, 1880, sec. 1, above referred to, is given in 2 Fed. Stat. Annot. 712.

An Act Amending an Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes."

[Act of Feb. 24, 1908, ch. 35, 35 Stat. L. 35.]

[*Norwalk, Stamford, and Greenwich, Conn., granted immediate transportation privileges.*] That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the Statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the ports of Norwalk, Stamford, and Greenwich, in the State of Connecticut. [35 Stat. L. 35.]

The Act of June 10, 1880, sec. 7, above referred to, is given in 2 Fed. Stat. Annot. 715.

An Act To extend immediate transportation privileges to the subport of Alburg, in the customs collection district of Vermont.

[Act of Feb. 24, 1908, ch. 36, 35 Stat. L. 35.]

[*Alburg, Vt., granted immediate transportation privileges.*] That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, relating to the transportation of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subport of Alburg, in the customs collection district of Vermont. [35 Stat. L. 35.]

The Act of June 10, 1880, sec. 1, above referred to, is given in 2 Fed. Stat. Annot. 712.

An Act To extend to Port Arthur, in the State of Texas, the privilege of immediate transportation without appraisement of dutiable merchandise.

[Act of April 6, 1908, ch. 135, 35 Stat. L. 58.]

[*Port Arthur, Tex., granted immediate transportation facilities.*] That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas. [35 Stat. L. 58.]

The Act of June 10, 1880, sec. 7, above referred to, is given in 2 Fed. Stat. Annot. 715.

An Act To make Monterey and Port Harford, in the State of California, subports of entry, and for other purposes.

[Act of May 23, 1908, ch. 187, 35 Stat. L. 245.]

[SEC. 1.] [*San Francisco collection district — Monterey and Port Harford made subports of entry.*] That Monterey and Port Harford, in the State of California, are hereby made subports of entry in the district of San Francisco, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at each of said subports with authority to enter and clear

vessels, receive duties, fees, and other moneys, and perform such other services as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow. [35 Stat. L. 245.]

For collection districts in the state of California, see R. S. sec. 582, and amendments thereunder, 2 Fed. Stat. Annot. 561.

SEC. 2. [*Temporary detail of customs officers.*] That in lieu of stationing deputy collectors or other customs officers permanently at either of said subports in said district, the Secretary of the Treasury may, in his discretion, authorize the necessary officers to be detailed from time to time, from the port of entry, or from another subport within such district to enter or clear vessels, receive duties, fees, or other moneys, and perform such other services as, in his judgment, the interests of commerce may require. [35 Stat. L. 245.]

SEC. 3. [*Petroleum vessels—repeal.*] That the Act approved February twenty-fourth, nineteen hundred and six, entitled "An Act to allow the entry and clearance of vessels at San Luis Obispo, Port Harford, and Monterey, California," is hereby repealed. [35 Stat. L. 245.]

The Act above repealed was as follows:
"That the collector of customs at San Francisco is hereby authorized to depute an officer of the customs from his collection district to proceed to San Luis Obispo, Port Harford, or Monterey in his district for the purpose of re-

ceiving at those places the entries of vessels arriving there in ballast and of clearing them with cargoes of petroleum and its products only in the same manner as if they had proceeded to San Francisco before entry." [34 Stat. L. 23.]

SEC. 4. [*Port Arthur, Tex.—immediate transportation privileges extended to.*] That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the port of Port Arthur, in the State of Texas. [35 Stat. L. 245.]

See 2 Fed. Stat. Annot. 712.

SEC. 5. [*Grand Rapids collection district, Michigan—Petoskey made subport of entry.*] That Petoskey, in the State of Michigan, is hereby made a subport of entry in the district of Grand Rapids, and the necessary customs officers may, in the discretion of the Secretary of the Treasury, be stationed at said subport with authority to enter and clear vessels, receive merchandise shipped in bond, collect duties and make delivery of same, receive duties, fees, and other moneys, and perform such other service as, in his judgment, the interest of commerce may require, and said officers shall receive such compensation as he may allow. [35 Stat. L. 245.]

See R. S. sec. 2599, 2 Fed. Stat. Annot. 570.

SEC. 6. [*Immediate transportation privileges extended to Petoskey.*] That the privileges of the seventh section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Petoskey, in the State of Michigan. [35 Stat. L. 245.]

Section 7 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 715.

SEC. 7. [*Saint Vincent, Minn.—immediate transportation privileges extended to.*] That the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in

relation to immediate transportation of dutiable goods, and for other purposes," be, and the same are hereby, extended to the subport of Saint Vincent, in the State of Minnesota. [35 Stat. L. 245.]

Section 1 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 712.

An Act To amend an Act entitled "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act entitled "An Act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven.

[Act of May 27, 1908, ch. 205, 35 Stat. L. 403.]

[SEC. 1.] [*Collection of customs revenue — board of general appraisers.*]

That section fourteen of the Act entitled "An Act to simplify the laws in relation to the collection of revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act entitled "An Act to provide revenues for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, be, and the same is hereby, amended so as to read as follows:

"SEC. 14. [*Appeal from collector's decision as to dutiable charge, etc.*]

That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of three general appraisers, which shall be on duty at the port of New York, or to a board of three general appraisers who may be designated by the Secretary of the Treasury for such duty at that port or at any other port, which board shall examine and decide the case thus submitted, and their decision, or that of a majority of them, shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the circuit court within the time and in the manner provided for in section fifteen of this Act: *Provided, however,* That the board of three general appraisers, or a majority of them, who decided the case may, upon motion of either party, within thirty days next after their decision, and not afterwards, grant a rehearing of said case when, in their opinion, the ends of justice may require it.

"The general board of nine general appraisers shall have power to establish from time to time such reasonable rules of practice, not inconsistent with the law, as may be deemed necessary for the conduct of their proceedings and of the proceedings of the said board of three general appraisers, and to assign or reassign any case to any of such boards of three at any time before promulgation of decision, in order to secure uniformity of decision." [35 Stat. L. 403.]

Section 14 of the Act of June 10, 1890, is given in 2 Fed. Stat. Annot. 624.

SEC. 2. [*Review by court.*] That section fifteen of said Act be, and the same is hereby, amended so as to read as follows:

"SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section fourteen of this Act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, if a rehearing has not been previously granted, or within thirty days next after the decision of the board of general appraisers after such rehearing, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent as the case may be. Thereupon the court shall order the board of general appraisers to return to said circuit court the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decision thereon; and all competent evidence taken by and before said board of general appraisers shall be evidence before said circuit court. The parties litigant shall hereafter be required to introduce all of their evidence before the said board of general appraisers prior to its decision of the case. The return made by the board of general appraisers in pursuance of the order of the circuit court shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision respecting the classification of such merchandise and the rate of duty imposed thereon under such classification: *Provided*, That the said circuit court is further vested with the power to remand any case pending before it on appeal from a decision of the board of general appraisers when, in its opinion, such proceeding is just and proper, but this shall not be ordered except upon motion duly made and after notice to the opposite party. When such order is made the case shall then be remanded to the board of general appraisers whose decision has been appealed from, and the said board shall hear such further testimony as shall be introduced by either party, and shall return to the circuit court the additional evidence so taken, together with a further certified statement of facts as supplemented or modified by such additional testimony, and their decisions upon the whole case as thus supplemented or modified, which said additional return shall be added to and become part of the record upon which the case shall be heard and determined by the circuit court.

"The decision of such circuit court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless such court shall be of the opinion that the question involved is of such importance as to require a review of such decision by the circuit court of appeals of the United States within the circuit in which the matter arises, in which case said circuit court or the judge making the decision may, within thirty days thereafter, allow an appeal to said circuit court of appeals; but an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision. On such original application and on any such appeal security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party. Said circuit court of appeals shall have jurisdiction and power to review such decision, and shall give priority to such cases, and

may affirm, modify, or reverse such decision of such circuit court and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

"The decision of such circuit court of appeals may be reviewed by the Supreme Court of the United States in any of the ways provided in cases arising under the revenue laws by the Act approved March third, eighteen hundred and ninety-one, entitled 'An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.'

"All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section twenty-four of this Act.

"For the purposes of this section the circuit courts of the United States shall be deemed always open, and said circuit courts, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

"Where cases arise at ports within any jurisdiction having no circuit court, applications for review of the decisions of the board of general appraisers provided for in section fifteen of this Act shall be filed with the clerks of the courts having cognizance of the same classes of cases as circuit courts, and such cases shall be heard and determined by such courts, with the same powers and in like manner as herein provided for the hearing and determination of such cases in circuit courts, and such decisions shall be subject to review in the manner provided by law." [35 Stat. L. 404.]

Section 15 of the Act of June 10, 1890, as originally enacted, is given in 2 Fed. Stat. Annot. 627. The Circuit Court of Appeals Act of March 3, 1891, is given in 4 Fed. Stat. Annot. 395.

SEC. 3. [General appraisers — term of office — salaries increased — powers of, etc.] That said Act be, and the same is hereby, further amended by adding thereto, after said section thirty thereof, a new section to read as follows:

"SEC. 31. That all of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said Act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

"That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of nine thousand dollars per annum.

"That the said boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt." [35 Stat. L. 406.]

SEC. 4. [Repeal.] That all laws and parts of laws inconsistent with this Act are hereby repealed. [35 Stat. L. 406.]

SEC. 5. [Effect.] That this Act shall take effect and be in force from and after its passage. [35 Stat. L. 406.]

An Act Extending the provisions of the Act of June tenth, eighteen hundred and eighty, concerning transportation of dutiable merchandise without appraisement.

[Act of Feb. 23, 1909, ch. 171, 35 Stat. L. 643.]

[SEC. 1.] [Blaine and Sumas, Wash., granted immediate transportation facilities.] That the privileges of the first section of the Act, approved June tenth, eighteen hundred and eighty, governing the immediate transportation

of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subports of Blaine and Sumas, in the State of Washington. [35 Stat. L. 643.]

Section 1 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 712.

SEC. 2. [Repeal.] That all acts and parts of acts in conflict herewith are hereby repealed. [35 Stat. L. 643.]

An Act For the establishment of a subport of entry at Ranier, Minnesota.

[Act of Feb. 27, 1909, ch. 226, 35 Stat. L. 659.]

[Ranier, Minn., made subport of entry — immediate transportation facilities granted.] That Ranier, Minnesota, be, and is hereby, established as a subport of entry in the customs collection district of Minnesota, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one, of the Statutes at Large, be, and the same are hereby, extended to said subport. [35 Stat. L. 659.]

Section 1 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 712.
For collection district of Minnesota, see 2 Fed. Stat. Annot. 568.

An Act To make Corry, Pennsylvania, a port of delivery in the district of Erie, Pennsylvania, and extending to it the privileges of section seven of the Act of June tenth, eighteen hundred and eighty.

[Act of March 3, 1909, ch. 261, 35 Stat. L. 780.]

[Corry, Pa., made a port of delivery and granted immediate transportation facilities.] That Corry, Pennsylvania, be, and the same is hereby, made and constituted a port of delivery in the district of Erie, Pennsylvania, and that the privileges of section seven of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended thereto. [35 Stat. L. 780.]

Section 7 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 715.
For the collection districts of Pennsylvania, see R. S. sec. 2543, 2 Fed. Stat. Annot. 536.

An Act Fixing the compensation of certain officials in the custom service, and for other purposes.

[Act of March 4, 1909, ch. 314, 35 Stat. L. 1065.]

[SEC. 1.] [Pay of laborers.] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of laborers in the customs service, as he may think advisable, to a rate not exceeding eight hundred and forty dollars per annum. [35 Stat. L. 1065.]

SEC. 2. [Pay of inspectors.] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of inspectors of customs, as he may think advisable, not to exceed in any case the rate of six dollars per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours. [35 Stat. L. 1065.]

SEC. 3. [*Pay of deputy collectors, assistant appraisers, examiners, etc.*] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy collectors, assistant appraisers and examiners of merchandise, examiners of tea, and examiners and special examiners of drugs, in the customs service, as he may think advisable, not to exceed in any case three thousand five hundred dollars per annum. [35 Stat. L. 1065.]

SEC. 4. [*Pay of deputy naval officers and surveyors.*] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy naval officers and deputy surveyors of customs, as he may think advisable, not to exceed in any case three thousand dollars per annum. [35 Stat. L. 1065.]

SEC. 5. [*San Francisco — additional pay to appraisers at.*] That section twenty-seven hundred and forty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, to wit:

“Sec. 2746. An additional compensation of twenty-five per centum may be continued, at the discretion of the Secretary of the Treasury, to the appraisers, deputy collectors, deputy surveyors, deputy naval officers, and weighers at the port of San Francisco: *Provided, however,* That the compensation so fixed shall not exceed the maximum amounts fixed by law.” [35 Stat. L. 1065.]

For R. S. 2746 as originally enacted and as first amended, see 2 Fed. Stat. Annot. 608.

SEC. 6. [*Pay of assistant weighers.*] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of assistant weighers in the customs service as he may think advisable, not to exceed in any case the rate of four dollars per diem. [35 Stat. L. 1065.]

SEC. 7. [*Treasurer of United States — salary.*] That hereafter the salary of the Treasurer of the United States shall be eight thousand dollars per annum. [35 Stat. L. 1065.]

Formerly the salary was fixed by R. S. sec. 301, 7 Fed. Stat. Annot. 393, at six thousand five hundred dollars.

SEC. 8. [*Repeal.*] That all laws and parts of laws inconsistent with this Act are hereby repealed. [35 Stat. L. 1065.]

DAIRY PRODUCTS.

See *ANIMALS; FOOD AND DRUGS.*

DAMS.

See *RIVERS, HARBORS, AND CANALS.*

DECK COURTS.

See *NAVY.*

DEPARTMENT EMPLOYEES.

See *EXECUTIVE DEPARTMENTS*.

DERELICTS.

See *WRECKS AND WRECKERS*.

DESERT LANDS.

See *PUBLIC LANDS*.

DIPLOMATIC AND CONSULAR OFFICERS.

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DIPLOMATIC AND CONSULAR OFFICERS.

An Act To provide for the reorganization of the consular service of the United States.

[Act of April 5, 1906, ch. 1366, 34 Stat. L. 99.]

[SEC. 1.] [*Consular service — reorganization of.*] That the consular system of the United States be reorganized in the manner hereinafter provided in this act. [34 Stat. L. 99.]

SEC. 2. [*Classification of consuls-general and consuls — salaries.*] That the consuls-general and the consuls of the United States shall hereafter be classified and graded as hereinafter specified, with the salaries of each class herein affixed thereto.

CONSULS-GENERAL.

Class one, twelve thousand dollars: London, Paris.

Class two, eight thousand dollars: Berlin, Habana, Hongkong, Hamburg, Rio de Janeiro, Shanghai.

Class three, six thousand dollars: Calcutta, Cape Town, Constantinople, Mexico City, Montreal, Ottawa, Vienna, Yokohama.

Class four, five thousand five hundred dollars: Antwerp, Barcelona, Brussels, Canton, Frankfort, Marseilles, Moscow, Panama, Rotterdam, Seoul, Sydney (Australia), Tientsin.

Class five, four thousand five hundred dollars: Auckland, Beirut, Boma, Buenos Ayres, Callao, Coburg, Dresden, Genoa, Guayaquil, Halifax, Hankau, Mukden, Munich, Singapore, Vancouver, Winnipeg, Zurich.

Class six, three thousand five hundred dollars: Adis Ababa, Bogota, Budapest, Guatemala, Lisbon, Monterey, San Salvador, Smyrna, Stockholm, Tangier.

Class seven, three thousand dollars: Athens, Christiania, Copenhagen.

CONSULS.

Class one, eight thousand dollars: Liverpool.

Class two, six thousand dollars: Manchester.

Class three, five thousand dollars: Amsterdam, Bremen, Dawson, Belfast, Havre, Johannesburg, Kobe, Lourenço Marquez, Lyon.

Class four, four thousand five hundred dollars: Amoy, Birmingham, Chefoo, Cienfuegos, Fuchau, Glasgow, Kingston (Jamaica), Newchwang, Nottingham, Saint Gall, Santiago, Southampton, Veracruz, Valparaiso.

Class five, four thousand dollars: Bahia, Bombay, Bordeaux, Colon, Dublin, Dundee, Harbin, Leipzig, Milan, Nanking, Naples, Nuremberg, Para, Pernambuco, Plauen, Reichenberg, Santos, Stuttgart, Toronto, Tsingtau, Victoria, Warsaw.

Class six, three thousand five hundred dollars: Alexandria, Apia, Barman, Barranquilla, Basel, Berne, Bluefields, Bradford, Chemnitz, Chunking, Cologne, Dalny, Durban, Edinburgh, Fiume, Geneva, Georgetown, Guadelajara, Mannheim, Montevideo, Nagasaki, Odessa, Palermo, Port Elizabeth, Prague, Quebec, Rangoon, Rheims, Rimouski, Rome, Saint Petersburg, Saloniki, Sherbrooke, Vladivostok.

Class seven, three thousand dollars: Aix la Chapelle, Aleppo, Barbados, Batavia, Belgrade, Burslem, Calais, Calgary, Carlsbad, Catania, Colombo, Corinto, Dunfermline, Florence, Frontera, Ghent, Hamilton (Ontario), Hanover, Harput, Huddersfield, Iquitos, Iquique, Jerusalem, Karachi, Kehl, La Guaira, Leghorn, Liege, Madras, Malaga, Managua, Melbourne, Nantes, Nassau, Newcastle (New South Wales), Newcastle (England), Port Antonio,

Punta Arenas, Port au Prince, Riga, Sandakan, Progreso, Seville, Saint John (New Brunswick), Saint Michaels, Saint Thomas (West Indies), San Jose, Sheffield, Swansea, Sydney (Nova Scotia), Tabriz, Tampico, Tamsui, Trieste, Trinidad.

Class eight, two thousand five hundred dollars: Acapulco, Aden, Algiers, Antung, Batum, Belize, Bergen, Breslau, Brunswick, Cardiff, Chihuahua, Ciudad Juarez, Ciudad Porfirio Diaz, Cognac, Cork, Curaçao, Erfurt, Gibraltar, Gothenburg, Hamilton (Bermuda), Hull, Jerez de la Frontera, Kingston (Ontario), Leeds, Limoges, Madrid, Magdeburg, Malta, Maracaibo, Martinique, Matamoros, Mazatlan, Mersine, Nice, Nogales, Nuevo Laredo, Orillia, Owen Sound, Plymouth, Port Limon, Prescott, Puerto Cortez, Rosario, Roubaix, Saint Johns (Newfoundland), Saint Etienne, San Luis Potosi, Sarnia, Sault Sainte Marie, Stettin, Swatow, Tamatave, Tegucigalpa, Tenerife, Trebizond, Tripoli, Valencia, Windsor (Ontario), Yarmouth, Zanzibar.

Class nine, two thousand dollars: Aguascalientes, Asuncion, Bagdad, Bristol, Campbellton, Cape Gracias, Cape Haitien, Cartagena, Ceiba, Charlottetown, Cornwall, Durango, Ensenada, Fernie, Fort Erie, Gorée-Dakar, Grenoble, Guadeloupe, Hermosillo, Hobart, La Paz, Manzanillo, Maskat, Moncton, Niagara Falls, Patras, Port Louis, Puerto Cabello, Puerto Plata, Rouen, Saigon, Saint Johns (Quebec), Saint Pierre, Saint Stephen, Salina Cruz, Saltillo, Sierra Leone, Sivas, Stavanger, Suva, Tahita, Tapachula, Turin, Turks Island, Venice. [35 Stat. L. 101.]

The classification of consuls and consuls-general was amended "to read as" above given by the Act of May 11, 1908, ch. 161, 35 Stat. L. 101, entitled "An Act to amend an act entitled 'An Act to provide for the reorganization of the consular service of the United States,' approved April 5, 1906."

This section was further amended by the Act of Feb. 3, 1909, ch. 60, 35 Stat. L. 593. The amendments consisted in striking out "Messina" in class nine, consuls, and adding the word "Catania" in class seven, consuls.

SEC. 3. [*Vice and deputy officers — temporary service of consuls as — time limit — commercial agencies abolished.*] That the offices of vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls shall be filled by appointment, as heretofore, except that whenever, in his judgment, the good of the service requires it, consuls may be designated by the President without thereby changing their classification to act for a period not to exceed one year as vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls; and when so acting they shall not be deemed to have vacated their offices as consuls. Consular agents may be appointed, when necessary, as heretofore. The grade of commercial agent is abolished. [34 Stat. L. 100.]

SEC. 4. [*Inspectors of consulates — appointment of consuls-general at large for, authorized — salaries — duties — powers — bonds.*] That there shall be five inspectors of consulates, to be designated and commissioned as consuls-general at large, who shall receive an annual salary of five thousand dollars each, and shall be paid their actual and necessary traveling and subsistence expenses while traveling and inspecting under instructions from the Secretary of State. They shall be appointed by the President, with the advice and consent of the Senate, from the members of the consular force possessing the requisite qualifications of experience and ability. They shall make such inspections of consular offices as the Secretary of State shall direct, and shall report to him. Each consular office shall be inspected at least once in every two years. Whenever the President has reason to believe that the business of a consulate or a consulate-general is not being properly conducted and that it is necessary for the

public interest, he may authorize any consul-general at large to suspend the consul or consul-general, and administer the office in his stead for a period not exceeding ninety days. In such case the consul-general at large so authorized shall have power to suspend any vice or deputy consular officer or clerk in said office during the period aforesaid. The provisions of law relating to the official bonds of consuls-general, and the provisions of sections seventeen hundred and thirty-four, seventeen hundred and thirty-five, and seventeen hundred and thirty-six, Revised Statutes of the United States, shall apply to consuls-general at large. [34 Stat. L. 100.]

R. S. secs. 1734, 1735, 1736, above referred to, are set forth in 2 Fed. Stat. Annot. 804, 805.

SEC. 5. [*Clerks receiving more than \$1,000 a year to be American citizens.*] No person who is not an American citizen shall be appointed hereafter in any consulate-general or consulate to any clerical position the salary of which is one thousand dollars a year or more. [34 Stat. L. 101.]

SEC. 6. [*R. S., secs. 1699, 1700, amended — business prohibitions extended to legal practice by salaried officers — may include feed officers, etc. — bond.*] Sections sixteen hundred and ninety-nine and seventeen hundred of the Revised Statutes of the United States are hereby amended to read as follows:

“**Sec. 1699.** No consul-general, consul, or consular agent receiving a salary of more than one thousand dollars a year shall, while he holds his office, be interested in or transact any business as a merchant, factor, broker, or other trader, or as a clerk or other agent for any such person to, from, or within the port, place, or limits of his jurisdiction, directly or indirectly, either in his own name or in the name or through the agency of any other person; nor shall he practice as a lawyer for compensation or be interested in the fees or compensation of any lawyer; and he shall in his official bond stipulate as a condition thereof not to violate this prohibition.

This section, as it formerly read, is set forth in 2 Fed. Stat. Annot. 795.

“**Sec. 1700.** All consular officers whose respective salaries exceed one thousand dollars a year shall be subject to the prohibition against transacting business, practicing as a lawyer, or being interested in the fees or compensation of any lawyer contained in the preceding section. And the President may extend the prohibition to any consul-general, consul, or consular agent whose salary does not exceed one thousand dollars a year or who may be compensated by fees, and to any vice or deputy consular officer or consular agent, and may require such officer to give a bond not to violate the prohibition.” [34 Stat. L. 101.]

This section, as it formerly read, is set forth in 2 Fed. Stat. Annot. 795.

SEC. 7. [*Notarial acts required — fees.*] That every consular officer of the United States is hereby required, whenever application is made to him therefor, within the limits of his consulate, to administer to or take from any person any oath, affirmation, affidavit, or deposition, and to perform any other notarial act which any notary public is required or authorized by law to do within the United States; and for every such notarial act performed he shall charge in each instance the appropriate fee prescribed by the President under section seventeen hundred and forty-five, Revised Statutes. [34 Stat. L. 101.]

R. S. sec. 1745 is given in 2 Fed. Stat. Annot. 811.

SEC. 8. [*Fees, official and unofficial, to be paid into the Treasury — consular agents allowed fees — maximum amount — additional compensation of vice-consular officers.*] That all fees, official or unofficial, received by any officer in the consular service for services rendered in connection with the duties of his office or as a consular officer, including fees for notarial services, and fees for taking depositions, executing commissions or letters rogatory, settling estates, receiving or paying out moneys, caring for or disposing of property, shall be accounted for and paid into the Treasury of the United States, and the sole and only compensation of such officers shall be by salaries fixed by law; but this shall not apply to consular agents, who shall be paid by one half of the fees received in their offices, up to a maximum sum of one thousand dollars in any one year, the other half being accounted for and paid into the Treasury of the United States. And vice-consuls-general, deputy consuls-general, vice-consuls, and deputy consuls, in addition to such compensation as they may be entitled to receive as consuls or clerks, may receive such portion of the salaries of the consul-general or consuls for whom they act as shall be provided by regulation. [34 Stat. L. 101.]

SEC. 9. [*Invoice fees to be prescribed by the President.*] That fees for the consular certification of invoices shall be, and they hereby are, included with the fees for official services for which the President is authorized by section seventeen hundred and forty-five of the Revised Statutes to prescribe rates or tariffs; and sections twenty-eight hundred and fifty-one and seventeen hundred and twenty-one of the Revised Statutes are hereby repealed. [34 Stat. L. 101.]

For R. S. sec. 1745, see 2 Fed. Stat. Annot. 811; for R. S. sec. 2251, see 2 Fed. Stat. Annot. 659; for R. S. sec. 1721, see 2 Fed. Stat. Annot. 801.

SEC. 10. [*Consulates to be supplied with documentary stamps — to be affixed to documents requiring notarial, etc., acts — unstamped documents invalid.*] That every consular officer shall be provided and kept supplied with adhesive official stamps, on which shall be printed the equivalent money value of denominations and to amounts to be determined by the Department of State, and shall account quarterly to the Department of State for the use of such stamps and for such of them as shall remain in his hands. Whenever a consular officer is required or finds it necessary to perform any consular or notarial act he shall prepare and deliver to the party or parties at whose instance such act is performed a suitable and appropriate document as prescribed in the consular regulations and affix thereto and duly cancel an adhesive stamp or stamps of the denomination or denominations equivalent to the fee prescribed for such consular or notarial act, and no such act shall be legally valid within the jurisdiction of the Government of the United States unless such stamp or stamps is or are affixed and canceled. [34 Stat. L. 102.]

SEC. 11. [*Effect.*] That this Act shall take effect on the thirtieth day of June, nineteen hundred and six. [34 Stat. L. 102.]

SEC. 12. [*Inconsistent laws repealed.*] That all Acts or parts of Acts inconsistent with this Act are hereby repealed. [34 Stat. L. 102.]

[SEC. 1.] [*Clerks at embassies, etc.*] * * * For the employment of necessary clerks at the embassies and legations, who, whenever hereafter ap-

pointed, shall be citizens of the United States, sixty-five thousand dollars. [34 Stat. L. 238.]

This is from the Diplomatic and Consular Appropriation Act, June 16, 1906, ch. 3337.

[SEC. 1.] [*Consular clerks — increased compensation — no reduction of salary.*] * * * From and after the first day of July, nineteen hundred and seven, the salaries of consular clerks shall be at the rate of one thousand dollars a year for the first three years of continuous service as such, and shall be increased two hundred dollars a year for each succeeding year of continuous service until a maximum compensation of one thousand eight hundred dollars a year shall be reached, and section seventeen hundred and four, Revised Statutes, and its amendatory Act of June eleventh, eighteen hundred and seventy-four, are hereby so amended: *Provided*, That the salary of no consular clerk herein provided for, and now in the service, shall be reduced by this Act. [34 Stat. L. 923.]

This is from the Diplomatic and Consular Appropriation Act, Feb. 22, 1907, ch. 1184.

R. S. sec. 1704, and the amendatory Act of June 11, 1874, above referred to, are set forth in 2 Fed. Stat. Annot. 796.

[SEC. 1.] [*Diplomatic representatives — authority to change rank annulled — creation of ambassadorships.*] * * * The following provision of an Act making appropriations for the diplomatic and consular service of the United States for the fiscal year ending June thirtieth, eighteen hundred and ninety-four, be, and is hereby, repealed, namely:

“Whenever the President shall be advised that any foreign government is represented, or is about to be represented, in the United States by an ambassador, envoy extraordinary, minister plenipotentiary, minister resident, special envoy, or chargé d'affaires, he is authorized, in his discretion, to direct that the representative of the United States to such government shall bear the same designation. This provision shall in nowise affect the duties, powers, or salary of such representative.”

And hereafter no new ambassadorship shall be created unless the same shall be provided for by Act of Congress. [35 Stat. L. 672.]

This is from the Diplomatic and Consular Appropriation Act of March 2, 1909, ch. 235. The provision above repealed is given in 2 Fed. Stat. Annot. 785.

[*Secretary of embassy, etc., acting as chargé d'affaires — compensation.*] Section sixteen hundred and eighty-five of the Revised Statutes is hereby amended to read as follows:

[SEC. 1685.] “For such time as any secretary of embassy or legation shall be lawfully authorized to act as chargé d'affaires ad interim at the post to which he shall have been appointed, he shall be entitled to receive, in addition to his salary as secretary of embassy or legation, compensation equal to the difference between such salary and fifty per centum of the salary provided by law for the ambassador or minister at such post.” [35 Stat. L. 673.]

This is from the Diplomatic and Consular Appropriation Act of March 2, 1909, ch. 235. R. S. sec. 1685 is set forth in 2 Fed. Stat. Annot. 784.

SEC. 2. [*Review by court.*] That section fifteen of said Act be, and the same is hereby, amended so as to read as follows:

"SEC. 15. That if the owner, importer, consignee, or agent of any imported merchandise, or the collector, or the Secretary of the Treasury, shall be dissatisfied with the decision of the board of general appraisers, as provided for in section fourteen of this Act, as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, they, or either of them, may, within thirty days next after such decision, if a rehearing has not been previously granted, or within thirty days next after the decision of the board of general appraisers after such rehearing, and not afterwards, apply to the circuit court of the United States within the district in which the matter arises for a review of the questions of law and fact involved in such decision. Such application shall be made by filing in the office of the clerk of said circuit court a concise statement of the errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent as the case may be. Thereupon the court shall order the board of general appraisers to return to said circuit court the record and the evidence taken by them, together with the certified statement of the facts involved in the case, and their decision thereon; and all competent evidence taken by and before said board of general appraisers shall be evidence before said circuit court. The parties litigant shall hereafter be required to introduce all of their evidence before the said board of general appraisers prior to its decision of the case. The return made by the board of general appraisers in pursuance of the order of the circuit court shall constitute the record upon which said circuit court shall give priority to and proceed to hear and determine the questions of law and fact involved in such decision respecting the classification of such merchandise and the rate of duty imposed thereon under such classification: *Provided*, That the said circuit court is further vested with the power to remand any case pending before it on appeal from a decision of the board of general appraisers when, in its opinion, such proceeding is just and proper, but this shall not be ordered except upon motion duly made and after notice to the opposite party. When such order is made the case shall then be remanded to the board of general appraisers whose decision has been appealed from, and the said board shall hear such further testimony as shall be introduced by either party, and shall return to the circuit court the additional evidence so taken, together with a further certified statement of facts as supplemented or modified by such additional testimony, and their decisions upon the whole case as thus supplemented or modified, which said additional return shall be added to and become part of the record upon which the case shall be heard and determined by the circuit court.

"The decision of such circuit court shall be final, and the proper collector, or person acting as such, shall liquidate the entry accordingly, unless such court shall be of the opinion that the question involved is of such importance as to require a review of such decision by the circuit court of appeals of the United States within the circuit in which the matter arises, in which case said circuit court or the judge making the decision may, within thirty days thereafter, allow an appeal to said circuit court of appeals; but an appeal shall be allowed on the part of the United States whenever the Attorney-General shall apply for it within thirty days after the rendition of such decision. On such original application and on any such appeal security for damages and costs shall be given as in the case of other appeals in cases in which the United States is a party. Said circuit court of appeals shall have jurisdiction and power to review such decision, and shall give priority to such cases, and

may affirm, modify, or reverse such decision of such circuit court and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

"The decision of such circuit court of appeals may be reviewed by the Supreme Court of the United States in any of the ways provided in cases arising under the revenue laws by the Act approved March third, eighteen hundred and ninety-one, entitled 'An Act to establish circuit courts of appeals, and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes.'

"All final judgments, when in favor of the importer, shall be satisfied and paid by the Secretary of the Treasury from the permanent indefinite appropriation provided for in section twenty-four of this Act.

"For the purposes of this section the circuit courts of the United States shall be deemed always open, and said circuit courts, respectively, may establish, and from time to time alter, rules and regulations not inconsistent herewith for the procedure in such cases as they shall deem proper.

"Where cases arise at ports within any jurisdiction having no circuit court, applications for review of the decisions of the board of general appraisers provided for in section fifteen of this Act shall be filed with the clerks of the courts having cognizance of the same classes of cases as circuit courts, and such cases shall be heard and determined by such courts, with the same powers and in like manner as herein provided for the hearing and determination of such cases in circuit courts, and such decisions shall be subject to review in the manner provided by law." [35 Stat. L. 404.]

Section 15 of the Act of June 10, 1890, as originally enacted, is given in 2 Fed. Stat. Annot. 627. The Circuit Court of Appeals Act of March 3, 1891, is given in 4 Fed. Stat. Annot. 395.

SEC. 3. [General appraisers — term of office — salaries increased — powers of, etc.] That said Act be, and the same is hereby, further amended by adding thereto, after said section thirty thereof, a new section to read as follows:

"SEC. 31. That all of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said Act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

"That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of nine thousand dollars per annum.

"That the said boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt." [35 Stat. L. 406.]

SEC. 4. [Repeal.] That all laws and parts of laws inconsistent with this Act are hereby repealed. [35 Stat. L. 406.]

SEC. 5. [Effect.] That this Act shall take effect and be in force from and after its passage. [35 Stat. L. 406.]

An Act Extending the provisions of the Act of June tenth, eighteen hundred and eighty, concerning transportation of dutiable merchandise without appraisement.

[Act of Feb. 23, 1909, ch. 171, 35 Stat. L. 643.]

[SEC. 1.] [Blaine and Sumas, Wash., granted immediate transportation facilities.] That the privileges of the first section of the Act, approved June tenth, eighteen hundred and eighty, governing the immediate transportation

of dutiable merchandise without appraisement, be, and the same are hereby, extended to the subports of Blaine and Sumas, in the State of Washington. [35 Stat. L. 643.]

Section 1 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 712.

SEC. 2. [Repeal.] That all acts and parts of acts in conflict herewith are hereby repealed. [35 Stat. L. 643.]

An Act For the establishment of a subport of entry at Ranier, Minnesota.

[Act of Feb. 27, 1909, ch. 226, 35 Stat. L. 659.]

[Ranier, Minn., made subport of entry — immediate transportation facilities granted.] That Ranier, Minnesota, be, and is hereby, established as a subport of entry in the customs collection district of Minnesota, and that the privileges of the first section of the Act approved June tenth, eighteen hundred and eighty, entitled "An Act to amend the statutes in relation to immediate transportation of dutiable goods, and for other purposes," being chapter one hundred and ninety, volume twenty-one, of the Statutes at Large, be, and the same are hereby, extended to said subport. [35 Stat. L. 659.]

Section 1 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 712.
For collection district of Minnesota, see 2 Fed. Stat. Annot. 568.

An Act To make Corry, Pennsylvania, a port of delivery in the district of Erie, Pennsylvania, and extending to it the privileges of section seven of the Act of June tenth, eighteen hundred and eighty.

[Act of March 3, 1909, ch. 261, 35 Stat. L. 780.]

[Corry, Pa., made a port of delivery and granted immediate transportation facilities.] That Corry, Pennsylvania, be, and the same is hereby, made and constituted a port of delivery in the district of Erie, Pennsylvania, and that the privileges of section seven of the Act approved June tenth, eighteen hundred and eighty, governing the immediate transportation of dutiable merchandise without appraisement be, and the same are hereby, extended thereto. [35 Stat. L. 780.]

Section 7 of the Act of June 10, 1880, is given in 2 Fed. Stat. Annot. 715.
For the collection districts of Pennsylvania, see R. S. sec. 2543, 2 Fed. Stat. Annot. 536.

An Act Fixing the compensation of certain officials in the custom service, and for other purposes.

[Act of March 4, 1909, ch. 314, 35 Stat. L. 1065.]

[SEC. 1.] [Pay of laborers.] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of laborers in the customs service, as he may think advisable, to a rate not exceeding eight hundred and forty dollars per annum. [35 Stat. L. 1065.]

SEC. 2. [Pay of inspectors.] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of inspectors of customs, as he may think advisable, not to exceed in any case the rate of six dollars per diem, and in all cases where the maximum compensation is paid no allowance shall be made for meals or other expenses incurred by inspectors when required to work at unusual hours. [35 Stat. L. 1065.]

SEC. 3. [*Pay of deputy collectors, assistant appraisers, examiners, etc.*] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy collectors, assistant appraisers and examiners of merchandise, examiners of tea, and examiners and special examiners of drugs, in the customs service, as he may think advisable, not to exceed in any case three thousand five hundred dollars per annum. [35 Stat. L. 1065.]

SEC. 4. [*Pay of deputy naval officers and surveyors.*] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of deputy naval officers and deputy surveyors of customs, as he may think advisable, not to exceed in any case three thousand dollars per annum. [35 Stat. L. 1065.]

SEC. 5. [*San Francisco — additional pay to appraisers at.*] That section twenty-seven hundred and forty-six of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows, to wit:

“Sec. 2746. An additional compensation of twenty-five per centum may be continued, at the discretion of the Secretary of the Treasury, to the appraisers, deputy collectors, deputy surveyors, deputy naval officers, and weighers at the port of San Francisco: *Provided, however,* That the compensation so fixed shall not exceed the maximum amounts fixed by law.” [35 Stat. L. 1065.]

For R. S. 2746 as originally enacted and as first amended, see 2 Fed. Stat. Annot. 608.

SEC. 6. [*Pay of assistant weighers.*] That the Secretary of the Treasury be, and he is hereby, authorized to increase and fix the compensation of assistant weighers in the customs service as he may think advisable, not to exceed in any case the rate of four dollars per diem. [35 Stat. L. 1065.]

SEC. 7. [*Treasurer of United States — salary.*] That hereafter the salary of the Treasurer of the United States shall be eight thousand dollars per annum. [35 Stat. L. 1065.]

Formerly the salary was fixed by R. S. sec. 301, 7 Fed. Stat. Annot. 393, at six thousand five hundred dollars.

SEC. 8. [*Repeal.*] That all laws and parts of laws inconsistent with this Act are hereby repealed. [35 Stat. L. 1065.]

DAIRY PRODUCTS.

See *ANIMALS; FOOD AND DRUGS.*

DAMS.

See *RIVERS, HARBORS, AND CANALS.*

DECK COURTS.

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ESTIMATES, APPROPRIATIONS, AND REPORTS.

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CROSS-REFERENCES.

Agricultural Experiment Stations, Receipts, Expenditures, and Work of, see AGRICULTURE.

Fisheries in Alaska, see ALASKA.

Inspection of Meat and Packing Houses, see ANIMALS.

Statements to Congress of Proceeds of Public Property, see PUBLIC MONEYS.

Printing and Binding Required by Executive Departments, etc., see PUBLIC PRINTING.

Cable or Telegraph Lines in Alaska, see TELEGRAPH, CABLE, AND ELECTRIC LINES.

SEC. 3. [R. S. sec. 3679 amended—expenditures in excess of appropriations forbidden—voluntary service—allotments to prevent deficiencies—exceptions in emergencies—appropriations for Congress—written orders required—penalty for violations.] That section thirty-six hundred and seventy-

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nine of the Revised Statutes of the United States, as amended by section four of the deficiency appropriation Act approved March third, nineteen hundred and five, is hereby further amended to read as follows:

"Sec. 3679. No Executive Department or other Government establishment of the United States shall expend, in any one fiscal year, any sum in excess of appropriations made by Congress for that fiscal year, or involve the Government in any contract or other obligation for the future payment of money in excess of such appropriations unless such contract or obligation is authorized by law. Nor shall any Department or any officer of the Government accept voluntary service for the Government or employ personal service in excess of that authorized by law, except in cases of sudden emergency involving the loss of human life or the destruction of property. All appropriations made for contingent expenses or other general purposes, except appropriations made in fulfillment of contract obligations expressly authorized by law, or for objects required or authorized by law without reference to the amounts annually appropriated therefor, shall, on or before the beginning of each fiscal year, be so apportioned by monthly or other allotments as to prevent expenditures in one portion of the year which may necessitate deficiency or additional appropriations to complete the service of the fiscal year for which said appropriations are made; and all such apportionments shall be adhered to and shall not be waived or modified except upon the happening of some extraordinary emergency or unusual circumstance which could not be anticipated at the time of making such apportionment, but this provision shall not apply to the contingent appropriations of the Senate or House of Representatives; and in case said apportionments are waived or modified as herein provided, the same shall be waived or modified in writing by the head of such Executive Department or other Government establishment having control of the expenditure, and the reasons therefor shall be fully set forth in each particular case and communicated to Congress in connection with estimates for any additional appropriations required on account thereof. Any person violating any provision of this section shall be summarily removed from office and may also be punished by a fine of not less than one hundred dollars or by imprisonment for not less than one month."

[34 Stat. L. 48.]

This is from the Urgent Deficiency Appropriation Act of Feb. 27, 1906, ch. 510. R. S. sec. 3679, as previously amended, is set forth in 10 Fed. Stat. Annot. 84.

SEC. 4. [*Estimates to follow preceding year's appropriations — changes — general appropriation bills — all estimates to be included in book of estimates — restriction on special estimates.*] Hereafter the estimates for expenses of the Government, except those for sundry civil expenses, shall be prepared and submitted each year according to the order and arrangement of the appropriation Acts for the year preceding. And any changes in such order and arrangement, and transfers of salaries from one office or bureau to another office or bureau, or the consolidation of offices or bureaus desired by the head of any Executive Department may be submitted by note in the estimates. The committees of Congress in reporting general appropriation bills shall, as far as may be practicable, follow the general order and arrangement of the respective appropriation Acts for the year preceding.

Hereafter the heads of the several Executive Departments and all other officers authorized or required to make estimates for the public service shall include in their annual estimates furnished the Secretary of the Treasury for

inclusion in the Book of Estimates all estimates of appropriations required for the service of the fiscal year for which they are prepared and submitted, and special or additional estimates for that fiscal year shall only be submitted to carry out laws subsequently enacted, or when deemed imperatively necessary for the public service by the Department in which they shall originate, in which case such special or additional estimate shall be accompanied by a full statement of its imperative necessity and reasons for its omission in the annual estimates. [34 Stat. L. 448.]

This is from the Legislative, Executive, and Judicial Act of June 22, 1906, ch. 3514.

As to estimates not complying with this section see sec. 4 of the Act of March 4, 1906, ch. 297, *infra*, p. 127.

SEC. 9. [*Appropriations and contracts — restriction on payments.*] No Act of Congress hereafter passed shall be construed to make an appropriation out of the Treasury of the United States, or to authorize the execution of a contract involving the payment of money in excess of appropriations made by law, unless such Act shall in specific terms declare an appropriation to be made or that a contract may be executed. [34 Stat. L. 764.]

This is from Sundry Civil Appropriation Act, June 30, 1906, ch. 3914.

[SEC. 1.] [*Government Printing Office — estimates of all clerks, etc., to be submitted — restriction on services.*] * * * The Public Printer shall submit for the fiscal year nineteen hundred and nine, and annually thereafter, estimates for all clerks and other employees additional to the foregoing who may be required in the executive or administrative offices of the Government Printing Office; and no funds other than those appropriated in the legislative, executive, and judicial appropriation Act for the fiscal year nineteen hundred and nine shall be used during said fiscal year for services in the Government Printing Office of the character specified in said estimates and appropriated for in said appropriation Act. [34 Stat. L. 943.]

This and the following paragraph are from Legislative, Executive, and Judicial Appropriation Act, Feb. 26, 1907, ch. 1635.

[*Skilled draftsmen, etc., in Signal' Office — annual estimates of persons employed.*] * * * The services of skilled draftsmen and such other services as the Secretary of War may deem necessary may be employed only in the Signal Office to carry into effect the various appropriations for fortifications and other works of defense, to be paid from such appropriations, in addition to the foregoing employees appropriated for in the Signal Office: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and eight, shall not exceed twenty-five thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, the duties, and the amount paid to each. [34 Stat. L. 964.]

See note to preceding paragraph.

[SEC. 1.] [*Agricultural department — additional statements of receipts and expenditures required.*] * * * That hereafter on or before the first day of January of each year the Secretary of Agriculture shall submit to Con-

gress, in addition to the estimates now required by law, classified and detailed estimates of every subject of expenditure intended for the Agricultural Department for the next fiscal year, and detailed reports of all expenditures under any appropriation for such service during the preceding fiscal year. [34 Stat. L. 1282.]

This is from Agricultural Department Appropriation Act, March 4, 1907, ch. 2907.

[Navy — estimates for support of — requirements.] * * * The estimates for the support of the Navy shall hereafter show, under the head of Pay of the Navy, the sums allowed for pay of officers belonging to the line, to the several departments of the staff, and to the retired list; the estimates to show under each head the amount allowed for pay proper, for increases due to longevity and foreign service, and for pay at sea rates to officers employed on shore; together with the total number of warrant and petty officers and seamen of the several grades and designations, including as to each class the amount allowed for pay proper and for longevity or service increases. The estimates shall include a list giving the rates of pay for all petty officers and other enlisted men of the Navy. [35 Stat. L. 129.]

This is from the Naval Appropriation Act of May 13, 1908, ch. 166.

[SEC. 1.] [Secretary of Navy to submit detailed estimates of employees — employment forbidden unless specially provided for.] That the Secretary of the Navy shall submit to Congress detailed estimates for all such classified civil-service employees that may be required to be employed during the fiscal year nineteen hundred and ten, and annually thereafter, and no such classified civil-service employees shall be employed during the fiscal year nineteen hundred and ten, or in any subsequent fiscal year, and paid from such lump appropriations except under specific authorization granted by law from year to year based upon estimates as herein required. [35 Stat. L. 505.]

This is from the Deficiencies Appropriation Act of May 30, 1908, ch. 227.

[SEC. 1.] [Revenue and expenditures in postal service — statement to be submitted with annual report.] * * * That hereafter the Postmaster-General shall each year prepare and submit in his annual report to Congress estimates of the revenue and expenditures in the postal service for the fiscal year current, and also for the fiscal year next ensuing at the time said report is submitted, together with a statement of the receipts and expenditures for the preceding completed fiscal year. [35 Stat. L. 418.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

Previous appropriation acts (see 34 Stat. L. 1217) have contained the same provision except for the word "hereafter."

SEC. 4. [Estimates not conforming to law to be rearranged.] When estimates hereafter transmitted to the Treasury for submission to Congress do not in form and arrangement comply with the provisions of section four of the

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legislative, executive, and judicial appropriation Act, approved June twenty-second, nineteen hundred and six, they shall, under direction of the Secretary of the Treasury, be rearranged so as to comply with said requirements of law. [35 Stat. L. 907.]

This is from the Legislative, Executive, and Judicial Appropriation Act of March 4, 1909, ch. 297.

Section 4 of the Act of June 22, 1906, above referred to, is given *supra*, p. 125.

[SEC. 1.] [*Regulating immigration — detailed estimates required.*] * * * Hereafter there shall be submitted, following the estimates under the foregoing appropriation for expenses of regulating immigration, statements showing the amount required for each object of expenditure mentioned in said estimates. [35 Stat. L. 982.]

This and sec. 7 following are from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

"The foregoing appropriation" above mentioned is given on pp. 981, 982, of 35 Statutes at Large, and covers a variety of subjects.

SEC. 7. [*Annual estimates — statement to President if estimated revenue is exceeded — recommendations of reductions, or new taxes, etc.*] Immediately upon the receipt of the regular annual estimates of appropriations needed for the various branches of the Government it shall be the duty of the Secretary of the Treasury to estimate as nearly as may be the revenues of the Government for the ensuing fiscal year, and if the estimates for appropriations, including the estimated amount necessary to meet all continuing and permanent appropriations, shall exceed the estimated revenues the Secretary of the Treasury shall transmit the estimates to Congress as heretofore required by law and at once transmit a detailed statement of all of said estimates to the President, to the end that he may, in giving Congress information of the state of the Union and in recommending to their consideration such measures as he may judge necessary, advise the Congress how in his judgment the estimated appropriations could with least injury to the public service be reduced so as to bring the appropriations within the estimated revenues, or, if such reduction be not in his judgment practicable without undue injury to the public service, that he may recommend to Congress such loans or new taxes as may be necessary to cover the deficiency. [35 Stat. L. 1027.]

EVIDENCE.

See *WITNESSES*.

EXECUTIVE DEPARTMENTS.

Act of June 22, 1906, Ch. 3514, 129.

Sec. 5. Employees to Serve Three Years in One Department before Transfer to Another, 129.

6. Details of Civil Employees to Departments from Outside of District Restricted, 129.

7. Preservation of Newspapers Repealed—R. S. Sec. 192, p. 30, Amended, 129.

Act of May 22, 1908, Ch. 186, 129.

Sec. 4. Travel Expenses of Department Employees at Washington to Be Annually Reported, etc., 129.

Act of March 4, 1909, Ch. 297, 130.

Detail of Employees to Office of President, 130.

CROSS-REFERENCES.

Salaries of Heads of Departments, see CONGRESS.

Annual Estimates, Book of, see ESTIMATES, APPROPRIATIONS, AND REPORTS.

Agriculture, see that title.

State Department, see that title.

SEC. 5. [*Employees to serve three years in one department before transfer to another.*] It shall not be lawful hereafter for any clerk or other employee in the classified service in any of the Executive Departments to be transferred from one Department to another Department until such clerk or other employee shall have served for a term of three years in the Department from which he desires to be transferred. [34 Stat. L. 449.]

This and the two following sections are from Legislative, Executive, and Judicial Appropriation Act, June 22, 1906, ch. 3514.

SEC. 6. [*Details of civil employees to departments from outside of district restricted.*] Hereafter it shall be unlawful to detail civil officers, clerks, or other subordinate employees who are authorized or employed under or paid from appropriations made for the military or naval establishments, or any other branch of the public service outside of the District of Columbia, except those officers and employees whose details are now specially provided by law, for duty in any bureau, office, or other division of any Executive Department in the District of Columbia, except temporary details for duty connected with their respective offices. [34 Stat. L. 449.]

SEC. 7. [*Preservation of newspapers repealed—R. S. sec. 192, p. 30, amended.*] So much of section one hundred and ninety-two of the Revised Statutes of the United States as requires newspapers purchased for the use of the Executive Departments to be preserved for the permanent files of such Departments be, and the same is hereby, repealed. [34 Stat. L. 449.]

SEC. 4. [*Travel expenses of department employees at Washington to be annually reported, etc.*] It shall be the duty of the head of each Executive Department and other Government establishment at Washington to submit to

Congress at the beginning of each regular session a statement showing in detail what officers or employees (other than special agents, inspectors, or employees, who in the discharge of their regular duties are required to constantly travel) of such Executive Department or other Government establishment have traveled on official business from Washington to points outside of the District of Columbia during the preceding fiscal year, giving in each case the full title of the official or employee, the destination or destinations of such travel, the business or work on account of which the same was made, and the total expense to the United States charged in each case. [*35 Stat. L. 244.*]

This is from the Legislative, Executive, and Judicial Appropriation Act of May 22, 1908, ch. 186.

[*Detail of employees to office of President.*] That employees of the Executive Departments and other establishments of the executive branch of the Government may be detailed from time to time to the office of the President of the United States, for such temporary assistance as may be necessary. [*35 Stat. L. 860.*]

This is from the Legislative, Executive, and Judicial Appropriation Act of March 4, 1909, ch. 297.

An identical provision has occurred for many years, see 10 Fed. Stat. Annot. 87.

EXPATRIATION.

See *CITIZENSHIP*.

EXPERIMENT STATIONS.

See *AGRICULTURE*.

EXPLOSIVES.

Transportation of, see *PENAL LAWS*.

EXPRESS COMPANIES.

See *INTERSTATE COMMERCE; SLEEPING CAR COMPANIES*.

EXTORTION.

See *PENAL LAWS*.

FALSE STAMPING.

Act of June 13, 1906, Ch. 3289, 131.

Sec. 1. Gold and Silver Articles—Interstate, etc., Transmission of Falsely Stamped, Forbidden, 131.

2. Gold Articles—Deviation from Marked Fineness Allowed—Tests—Actual Fineness Required, 131.

3. Silver Articles—Deviation from Marked Fineness Allowed—"Sterling" Goods—"Coin" Goods—Divergence Permitted—Tests—Actual Fineness Required, 132.

4. Plated Goods—Description Required—Use of "Sterling" or "Coin" Forbidden, 133.

5. Punishment for Violations—Jurisdiction, 133.

6. "Article of Merchandise" Defined, 134.

7. Original Packages Not Exempt from State, etc., Laws, 134.

8. Effect, 134.

An Act Forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes.

[*Act of June 13, 1906, ch. 3289, 34 Stat. L. 260.*]

[**SEC. 1.**] [*Gold and silver articles—interstate, etc., transmission of falsely stamped, forbidden.*] That it shall be unlawful for any person, firm, corporation, or association, being a manufacturer of or wholesale or retail dealer in gold or silver jewelry or gold ware, silver goods or silverware, or for any officer, manager, director, or agent of such firm, corporation, or association to import or export or cause to be imported into or exported from the United States for the purpose of selling or disposing of the same, or to deposit or cause to be deposited in the United States mails for transmission thereby, or to deliver or cause to be delivered to any common carrier for transportation from one State, Territory, or possession of the United States, or the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, or to transport or cause to be transported from one State, Territory, or possession of the United States, or from the District of Columbia, to any other State, Territory, or possession of the United States, or to said District, in interstate commerce, any article of merchandise manufactured after the date when this Act takes effect and made in whole or in part of gold or silver, or any alloy of either of said metals, and having stamped, branded, engraved, or printed thereon, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which said article is incased or inclosed, any mark or word indicating or designed or intended to indicate that the gold or silver or alloy of either of said metals in such article is of a greater degree of fineness than the actual fineness or quality of such gold, silver, or alloy, according to the standards and subject to the qualifications set forth in sections two and three of this Act. [*34 Stat. L. 260.*]

SEC. 2. [*Gold articles—deviation from marked fineness allowed—tests—actual fineness required.*] That in the case of articles of merchandise made in whole or in part of gold or of any of its alloys so imported into or exported

from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this Act, the actual fineness of such gold or alloy shall not be less by more than one-half of one carat than the fineness indicated by the mark stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; except that in the case of watch cases and flat ware, so made of gold or of any of its alloys, the actual fineness of such gold or alloy shall not be less by more than three one-thousandth parts than the fineness indicated by the mark stamped, branded, engraved, or printed upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed: *Provided*, That in any test for the ascertainment of the fineness of any article mentioned in this section, according to the foregoing standards, the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of said article: *Provided, further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of gold or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such gold, alloys, and solder being assayed as one piece), shall not be less by more than one carat than the fineness indicated by the mark stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative. [34 Stat. L. 260.]

SEC. 3. [*Silver articles—deviation from marked fineness allowed—“sterling” goods—“coin” goods—divergence permitted—tests—actual fineness required.*] That in the case of articles of merchandise made in whole or in part of silver or any of its alloys so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered for transportation to any common carrier, or so transported or caused to be transported as specified in the first section of this Act, the actual fineness of the silver or alloy thereof of which such article is wholly or partly composed shall not be less by more than four one-thousandth parts than the actual fineness indicated by any mark (other than the word “sterling” or the word “coin”) stamped, branded, engraved, or printed upon any part of such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed; and that no such article or tag, card, or label attached thereto, or box, package, cover, or wrapper in which such article is incased or inclosed shall be marked, stamped, branded, engraved, or printed with the word “sterling” or “sterling silver” or any colorable imitation thereof, unless such article or parts thereof purporting to be silver contains nine hundred and twenty-five one-thousandth parts pure silver; and that no such article, tag, card, label, box, package, cover, or wrapper shall be marked, stamped, branded, engraved, or printed with the words “coin” or “coin silver” or colorable imitation thereof unless such article or parts thereof purporting to be silver

contains nine hundred one-thousandth parts pure silver: *Provided*, That in the case of all such articles whose fineness is indicated by the word "sterling" or the word "coin" there shall be allowed a divergence in the fineness of four one-thousandth parts from the foregoing standards: *Provided*, That in any test for the ascertainment of the fineness of any such article mentioned in this section according to the foregoing standards the part of the article taken for the test, analysis, or assay shall be such part or portion as does not contain or have attached thereto any solder or alloy of inferior fineness used for brazing or uniting the parts of such article: *Provided further*, That in the case of any article mentioned in this section, in addition to the foregoing tests and standards, the actual fineness of the entire quantity of silver or of its alloys contained in such article, including all solder and alloy of inferior fineness used for brazing or uniting the parts of such article (all such silver, alloys, and solder being assayed as one piece), shall not be less by more than ten one-thousandth parts than the fineness indicated by the marked, [mark?] stamped, branded, engraved, or imprinted upon such article, or upon any tag, card, or label attached thereto, or upon any box, package, cover, or wrapper in which such article is incased or inclosed, it being intended that the standards of fineness and the tests or methods for ascertaining the same provided in this section for articles mentioned therein shall be concurrent and not alternative. [34 Stat. L. 261.]

SEC. 4. [*Plated goods—description required—use of "sterling" or "coin" forbidden.*] That in the case of articles of merchandise made in whole or in part of an inferior metal, having deposited or plated thereon or brazed or otherwise affixed thereto a plating, covering, or sheet composed of gold or silver, or of an alloy of either of said metals, and known in the market as rolled gold plate, gold plate, gold filled, silver plate, or gold or silver electroplate, or by any similar designation, so imported into or exported from the United States, or so deposited in the United States mails for transmission, or so delivered to any common carrier, or so transported or caused to be transported as specified in the first section of this Act, no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with any word or mark usually employed to indicate the fineness of gold, unless such word or mark be accompanied by other words plainly indicating that such article or part thereof is made of rolled gold plate, gold plate, or gold electroplate, or is gold filled, as the case may be, and no such article, nor any tag, card, or label attached thereto, nor any box, package, cover, or wrapper in which such article is incased or inclosed, shall be stamped, branded, engraved, or imprinted with the word "sterling" or the word "coin," either alone or in conjunction with other words or marks. [34 Stat. L. 261.]

SEC. 5. [*Punishment for violations—jurisdiction.*] That each and every person, firm, corporation, or association, being a manufacturer of or a wholesale or retail dealer in gold or silver jewelry, gold ware, silver goods, or silverware, who or which shall knowingly violate any of the provisions of this Act, and every officer, manager, director, or managing agent of any such corporation or association having knowledge of such violation and directly participating in such violation or consenting thereto, shall be deemed guilty of a misdemeanor, and upon conviction thereof in any court of the United States having jurisdiction of crimes within the district in which such violation was committed or through which has been conducted the transportation of the article in respect to which such violation has been committed, shall be punished

by a fine of not more than five hundred dollars or imprisonment for not more than three months, or both, at the discretion of the court. Whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein. [34 Stat. L. 262.]

SEC. 6. [*"Article of merchandise" defined.*] That the expression "article of merchandise" as used in this Act shall signify any goods, wares, works of art, commodity, or other thing which may be lawfully kept or offered for sale. [34 Stat. L. 262.]

SEC. 7. [*Original packages not exempt from state, etc., laws.*] That all articles of merchandise to which this Act applies which shall have been transported into any State, Territory, District, or possession of the United States, and shall remain therein for use, sale, or storage, shall, upon arrival in such State, Territory, District, or possession, be subject to the operation of all the laws of such State, Territory, District, or possession of the United States to the same extent and in the same manner as though such articles of merchandise had been produced in such State, Territory, District, or possession, and shall not be exempt therefrom by reason of being introduced therein in original packages or otherwise. [34 Stat. L. 262.]

SEC. 8. [*Effect.*] That this Act shall take effect one year after the date of its passage. [34 Stat. L. 262.]

FELONIES.

See *PENAL LAWS.*

FISH AND FISHERIES.

Act of Jan. 29, 1909, Ch. 51.

Fish-culture Stations to Be Established on Puget Sound, Wash.

CROSS-REFERENCES.

Fish in Alaska, see *ALASKA*.

Fishing Vessels, see *COLLISIONS*.

Sponges, see that title.

An Act To establish two or more fish-cultural stations on Puget Sound.

[*Act of Jan. 29, 1909, ch. 51, 35 Stat. L. 589.*]

[*Fish-culture stations to be established on Puget Sound, Wash.*] That the Secretary of Commerce and Labor be, and he is hereby, authorized and directed to establish two or more fish-cultural stations on Puget Sound, or its tributaries in the State of Washington, for the propagation of salmon and other food fishes, and to make the necessary surveys, and purchase sites, construct ponds and buildings, construct, purchase, and hire boats and equipments, and employ such assistance as may be required for the construction and operation of such fish-cultural stations at suitable points to be selected by the Secretary of Commerce and Labor, and the number of such stations to be determined by him, and for said purpose the sum of fifty thousand dollars is hereby authorized to be appropriated. [*35 Stat. L. 589.*]

FOOD AND DRUGS.

Act of June 30, 1906, Ch. 3915, 137.

- Sec. 1. Pure Food Act — Manufacture of Adulterated, etc., Food or Drugs — Penalty, 137.*
- 2. Interstate, etc., Commerce of Adulterated or Misbranded Goods Prohibited — Penalty — Articles for Export — Domestic Consumption, 137.*
- 3. Rules and Regulations to Be Made — Scope, 137.*
- 4. Chemical Examinations — Notice of Result — Hearings — Certificate of Violations to District Attorney, 138.*
- 5. Legal Proceedings, 138.*
- 6. Terms Defined — "Drugs" — "Food," 138.*
- 7. Adulterations Defined — Drugs — Difference from Recognized Standards — Exception — Below Professed Standard — Confectionery — Deleterious Ingredients, Narcotics, etc. — Food — Injurious Mixtures — Substitutes — Constituents Abstracted — Damage, etc., Concealed — Deleterious Additions — Preservatives for Shipment Allowed — Compositions Prohibited, 138.*
- 8. Misbranding Defined — Drugs — False Name — False Contents — Failure to State Narcotics, etc., Used — Foods — Imitations — False Label, etc. — Failure to State Narcotics, etc., Used — Incorrect Weight or Measure — Misleading Ingredients — Compounds under Distinctive Names — If "Compound," etc., Plainly Stated — Meaning of Blend — Trade Formulas, 139.*
- 9. Guaranty from Manufacturer — Contents, 141.*
- 10. Seizure of Original Packages in Interstate and Foreign Commerce — Disposal, if Condemned — Delivery to Owner if Not to Be Sold, etc. — Proceedings, 141.*
- 11. Examination of Imported Foods and Drugs — Admission Denied Adulterated or Misbranded Goods — Destruction, etc. — Delivery Pending Examination — Bond Required — Charges, 142.*
- 12. Insular Possessions Included — "Person" Defined — Liability of Corporations, etc., 142.*
- 13. Effect, 142.*

Act of June 30, 1906, Ch. 3913, 143.

- Sec. 1. Adulteration of Foods, etc. — Food Preservatives, etc. — Hearings — Inspection Before Shipment — Standards of Purity — Dairy Products — Wheat and Other Cereals — Sugar and Starch Producing Plants — Inspection of Imported Packages — Unwholesome, etc., Goods Not to Be Delivered, 143.*

Act of March 4, 1907, Ch. 2907, 144.

- Sec. 1. Inspection of Dairy Products for Export — Animal Diseases in Minnesota, 144.*

Act of May 16, 1908, Ch. 170, 144.

- Tea — Importation of Impure, etc., Prohibited — Tea Used in Manufacture of Caffeine, 144.*

CROSS-REFERENCES.

Meat and Packing-house Inspection, see ANIMALS.

Opium, Prohibition of Importation, see IMPORTS AND EXPORTS.

An Act For preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes.

[Act of June 30, 1906, ch. 3915, 34 Stat. L. 768.]

[SEC. 1.] [*Pure food act — manufacture of adulterated, etc., food or drugs — penalty.*] That it shall be unlawful for any person to manufacture within any Territory or the District of Columbia any article of food or drug which is adulterated or misbranded, within the meaning of this Act; and any person who shall violate any of the provisions of this section shall be guilty of a misdemeanor, and for each offense shall, upon conviction thereof, be fined not to exceed five hundred dollars or shall be sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court, and for each subsequent offense and conviction thereof shall be fined not less than one thousand dollars or sentenced to one year's imprisonment, or both such fine and imprisonment, in the discretion of the court. [34 Stat. L. 768.]

SEC. 2. [*Interstate, etc., commerce of adulterated or misbranded goods prohibited — penalty — articles for export — domestic consumption.*] That the introduction into any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or from any foreign country, or shipment to any foreign country of any article of food or drugs which is adulterated or misbranded, within the meaning of this Act, is hereby prohibited; and any person who shall ship or deliver for shipment from any State or Territory or the District of Columbia to any other State or Territory or the District of Columbia, or to a foreign country, or who shall receive in any State or Territory or the District of Columbia from any other State or Territory or the District of Columbia, or foreign country, and having so received, shall deliver, in original unbroken packages, for pay or otherwise, or offer to deliver to any other person, any such article so adulterated or misbranded within the meaning of this Act, or any person who shall sell or offer for sale in the District of Columbia or the Territories of the United States any such adulterated or misbranded foods or drugs, or export or offer to export the same to any foreign country, shall be guilty of a misdemeanor, and for such offense be fined not exceeding two hundred dollars for the first offense, and upon conviction for each subsequent offense not exceeding three hundred dollars or be imprisoned not exceeding one year, or both, in the discretion of the court: *Provided*, That no article shall be deemed misbranded or adulterated within the provisions of this Act when intended for export to any foreign country and prepared or packed according to the specifications or directions of the foreign purchaser when no substance is used in the preparation or packing thereof in conflict with the laws of the foreign country to which said article is intended to be shipped; but if said article shall be in fact sold or offered for sale for domestic use or consumption, then this proviso shall not exempt said article from the operation of any of the other provisions of this Act. [34 Stat. L. 768.]

Effect on power of state to seize misbranded liquors. — By this Act misbranded and adulterated intoxicating liquors are forbidden transportation into any state from another state or foreign country, and hence are removed from the protection of the "commerce clause" of the Federal Constitution.

Such liquors, brought into the state in violation of the Act, become subject to the police power of the state immediately upon arrival within its territory, and may be seized under such power before delivery to a consignee. *State v. Intoxicating Liquors*, (Me.) 71 Atl. 758.

SEC. 3. [*Rules and regulations to be made — scope.*] That the Secretary of the Treasury, the Secretary of Agriculture, and the Secretary of Commerce

and Labor shall make uniform rules and regulations for carrying out the provisions of this Act, including the collection and examination of specimens of foods and drugs manufactured or offered for sale in the District of Columbia, or in any Territory of the United States, or which shall be offered for sale in unbroken packages in any State other than that in which they shall have been respectively manufactured or produced, or which shall be received from any foreign country, or intended for shipment to any foreign country, or which may be submitted for examination by the chief health, food, or drug officer of any State, Territory, or the District of Columbia, or at any domestic or foreign port through which such product is offered for interstate commerce, or for export or import between the United States and any foreign port or country. [34 Stat. L. 768.]

SEC. 4. [*Chemical examinations — notice of result — hearings — certificate of violations to district attorney.*] That the examinations of specimens of foods and drugs shall be made in the Bureau of Chemistry of the Department of Agriculture, or under the direction and supervision of such Bureau, for the purpose of determining from such examinations whether such articles are adulterated or misbranded within the meaning of this Act; and if it shall appear from any such examination that any of such specimens is adulterated or misbranded within the meaning of this Act, the Secretary of Agriculture shall cause notice thereof to be given to the party from whom such sample was obtained. Any party so notified shall be given an opportunity to be heard, under such rules and regulations as may be prescribed as aforesaid, and if it appears that any of the provisions of this Act have been violated by such party, then the Secretary of Agriculture shall at once certify the facts to the proper United States district attorney, with a copy of the results of the analysis or the examination of such article duly authenticated by the analyst or officer making such examination, under the oath of such officer. After judgment of the court, notice shall be given by publication in such manner as may be prescribed by the rules and regulations aforesaid. [34 Stat. L. 769.]

See *infra*, notes to sec. 10.

SEC. 5. [*Legal proceedings.*] That it shall be the duty of each district attorney to whom the Secretary of Agriculture shall report any violation of this Act, or to whom any health or food or drug officer or agent of any State, Territory, or the District of Columbia shall present satisfactory evidence of any such violation, to cause appropriate proceedings to be commenced and prosecuted in the proper courts of the United States, without delay, for the enforcement of the penalties as in such case herein provided. [34 Stat. L. 769.]

SEC. 6. [*Terms defined — “drugs” — “food.”*] That the term “drug,” as used in this Act, shall include all medicines and preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances intended to be used for the cure, mitigation, or prevention of disease of either man or other animals. The term “food,” as used herein, shall include all articles used for food, drink, confectionery, or condiment by man or other animals, whether simple, mixed, or compound. [34 Stat. L. 769.]

SEC. 7. [*Adulterations defined — drugs — difference from recognized standards — exception — below professed standard — confectionery — deleterious ingredients, narcotics, etc. — food — injurious mixtures — substitutes*

— constituents abstracted — damage, etc., concealed — deleterious additions — preservatives for shipment allowed — compositions prohibited.] That for the purposes of this Act an article shall be deemed to be adulterated:

In case of drugs:

First. If, when a drug is sold under or by a name recognized in the United States Pharmacopœia or National Formulary, it differs from the standard of strength, quality, or purity, as determined by the test laid down in the United States Pharmacopœia or National Formulary official at the time of investigation: *Provided*, That no drug defined in the United States Pharmacopœia or National Formulary shall be deemed to be adulterated under this provision if the standard of strength, quality, or purity be plainly stated upon the bottle, box, or other container thereof although the standard may differ from that determined by the test laid down in the United States Pharmacopœia or National Formulary.

Second. If its strength or purity fall below the professed standard or quality under which it is sold.

In the case of confectionery:

If it contain terra alba, barytes, talc, chrome yellow, or other mineral substance or poisonous color or flavor, or other ingredient deleterious or detrimental to health, or any vinous, malt or spirituous liquor or compound or narcotic drug.

In the case of food:

First. If any substance has been mixed and packed with it so as to reduce or lower or injuriously affect its quality or strength.

Second. If any substance has been substituted wholly or in part for the article.

Third. If any valuable constituent of the article has been wholly or in part abstracted.

Fourth. If it be mixed, colored, powdered, coated, or stained in a manner whereby damage or inferiority is concealed.

Fifth. If it contain any added poisonous or other added deleterious ingredient which may render such article injurious to health: *Provided*, That when in the preparation of food products for shipment they are preserved by any external application applied in such manner that the preservative is necessarily removed mechanically, or by maceration in water, or otherwise, and directions for the removal of said preservative shall be printed on the covering or the package, the provisions of this Act shall be construed as applying only when said products are ready for consumption.

Sixth. If it consists in whole or in part of a filthy, decomposed, or putrid animal or vegetable substance, or any portion of an animal unfit for food, whether manufactured or not, or if it is the product of a diseased animal, or one that has died otherwise than by slaughter. [34 Stat. L. 769.]

Meaning of "offal." — In a libel for the condemnation of tomato catsup, the words "as the offal of tomato canning factories" are not of exact signification. They do not charge a violation of the above provision. The indefinite suggestion of the word "offal" can-

not be considered as the equivalent of a charge that the tomato pulp was a filthy, decomposed, or putrid vegetable substance. U. S. r. Six Hundred and Fifty Cases of Tomato Catsup, (1909) 166 Fed. 773, 774.

SEC. 8. [Misbranding defined — drugs — false name — false contents — failure to state narcotics, etc., used — foods — imitations — false label, etc. — failure to state narcotics, etc., used — incorrect weight or measure — misleading ingredients — compounds under distinctive names — if "compound," etc., plainly stated — meaning of blend — trade formulas.] That the term "mis-

branded," as used herein, shall apply to all drugs, or articles of food, or articles which enter into the composition of food, the package or label of which shall bear any statement, design, or device regarding such article, or the ingredients or substances contained therein which shall be false or misleading in any particular, and to any food or drug product which is falsely branded as to the State, Territory, or country in which it is manufactured or produced.

That for the purposes of this Act an article shall also be deemed to be misbranded:

In case of drugs:

First. If it be an imitation of or offered for sale under the name of another article.

Second. If the contents of the package as originally put up shall have been removed, in whole or in part, and other contents shall have been placed in such package, or if the package fail to bear a statement on the label of the quantity or proportion of any alcohol, morphine, opium, cocaine, heroin, alpha or beta eucaine, chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any such substances contained therein.

In the case of food:

First. If it be an imitation of or offered for sale under the distinctive name of another article.

Second. If it be labeled or branded so as to deceive or mislead the purchaser, or purport to be a foreign product when not so, or if the contents of the package as originally put up shall have been removed in whole or in part and other contents shall have been placed in such package, or if it fail to bear a statement on the label of the quantity or proportion of any morphine, opium, cocaine, heroin, alpha or beta eucane [*sic*], chloroform, cannabis indica, chloral hydrate, or acetanilide, or any derivative or preparation of any of such substances contained therein.

Third. If in package form, and the contents are stated in terms of weight or measure, they are not plainly and correctly stated on the outside of the package.

Fourth. If the package containing it or its label shall bear any statement, design, or device regarding the ingredients or the substances contained therein, which statement, design, or device shall be false or misleading in any particular: *Provided*, That an article of food which does not contain any added poisonous or deleterious ingredients shall not be deemed to be adulterated or misbranded in the following cases:

First. In the case of mixtures or compounds which may be now or from time to time hereafter known as articles of food, under their own distinctive names, and not an imitation of or offered for sale under the distinctive name of another article, if the name be accompanied on the same label or brand with a statement of the place where said article has been manufactured or produced,

Second. In the case of articles labeled, branded, or tagged so as to plainly indicate that they are compounds, imitations, or blends, and the word "compound," "imitation," or "blend," as the case may be, is plainly stated on the package in which it is offered for sale: *Provided*, That the term blend as used herein shall be construed to mean a mixture of like substances, not excluding harmless coloring or flavoring ingredients used for the purpose of coloring and flavoring only: *And provided further*, That nothing in this Act shall be construed as requiring or compelling proprietors or manufacturers of proprietary foods which contain no unwholesome added ingredient to disclose their trade formulas, except in so far as the provisions of this Act may require to secure freedom from adulteration or misbranding. [34 Stat. L. 769.]

What constitutes misbranding.—A syrup containing approximately ninety per centum of white sugar and not more than ten per centum of maple sugar is not misbranded by a label printed in gold, blue, and red, which at the top has in plain large letters the words "Gold Leaf" in gold, "Syrup" in red, with a blue circular underscoring, a trademark consisting of a gold leaf, said to be a maple leaf, with stalks projecting on each side, apparently representing sugar cane, with the name of the company in smaller letters in the middle, the words "composed of" in white on a blue field, being very distinct, and the words "maple and white sugar" in blue on a white field at the bottom, being also very distinct,

the very conspicuous features of this being the words "Gold Leaf Syrup," "Composed of," and "Maple and White Sugar." *In re Wilson*, 168 Fed. 566, 567.

In a proceeding for the condemnation of tomato catsup on the ground that it is misbranded, there is no such inconsistency, it seems, between the statement in the label that the catsup is "made from choice ripe tomatoes," and the fact that it is "made in part from tomato pulp, screened from peelings and cores," as will permit the court to proceed at once to enter a decree of condemnation without requiring of the government further proof. *U. S. v. Six Hundred and Fifty Cases of Tomato Catsup*, (1909) 166 Fed. 773.

SEC. 9. [Guaranty from manufacturer — contents.] That no dealer shall be prosecuted under the provisions of this Act when he can establish a guaranty signed by the wholesaler, jobber, manufacturer, or other party residing in the United States, from whom he purchases such articles, to the effect that the same is not adulterated or misbranded within the meaning of this Act, designating it. Said guaranty, to afford protection, shall contain the name and address of the party or parties making the sale of such articles to such dealer, and in such case said party or parties shall be amenable to the prosecutions, fines, and other penalties which would attach, in due course, to the dealer under the provisions of this Act. [*34 Stat. L. 771.*]

SEC. 10. [Seizure of original packages in interstate and foreign commerce — disposal, if condemned — delivery to owner if not to be sold, etc. — proceedings.] That any article of food, drug, or liquor that is adulterated or misbranded within the meaning of this Act, and is being transported from one State, Territory, District, or insular possession to another for sale, or, having been transported, remains unloaded, unsold, or in original unbroken packages, or if it be sold or offered for sale in the District of Columbia or the Territories, or insular possessions of the United States, or if it be imported from a foreign country for sale, or if it is intended for export to a foreign country, shall be liable to be proceeded against in any district court of the United States within the district where the same is found, and seized for confiscation by a process of libel for condemnation. And if such article is condemned as being adulterated or misbranded, or of a poisonous or deleterious character, within the meaning of this Act, the same shall be disposed of by destruction or sale, as the said court may direct, and the proceeds thereof, if sold, less the legal costs and charges, shall be paid into the Treasury of the United States, but such goods shall not be sold in any jurisdiction contrary to the provisions of this Act or the laws of that jurisdiction: *Provided, however*, That upon the payment of the costs of such libel proceedings and the execution and delivery of a good and sufficient bond to the effect that such articles shall not be sold or otherwise disposed of contrary to the provisions of this Act, or the laws of any State, Territory, District, or insular possession, the court may by order direct that such articles be delivered to the owner thereof. The proceedings of such libel cases shall conform, as near as may be, to the proceedings in admiralty, except that either party may demand trial by jury of any issue of fact joined in any such case, and all such proceedings shall be at the suit of and in the name of the United States. [*34 Stat. L. 771.*]

The court has jurisdiction of a proceeding for the forfeiture of an article alleged to be misbranded, although there has been no examination as provided by the fourth section

of the Act, and a libel for such forfeiture need not contain an allegation to this effect. *U. S. v. Fifty Barrels of Whiskey*, 165 Fed. 966.

Allegations of libel.—In a condemnation

proceeding where the charge is of misbranding, it is essential that the libel should set forth the branding and facts inconsistent therewith. *U. S. v. Six Hundred and Fifty Cases of Tomato Catsup*, (1909) 166 Fed. 773, 775.

Defense to forfeiture. — That the misbranding was done by an agent of the United States, constitutes no defense to a proceeding for forfeiture of the goods misbranded. *U. S. v. Fifty Barrels of Whiskey*, 165 Fed. 966. See also *supra*, notes to sec. 8.

SEC. 11. [*Examination of imported foods and drugs — admission denied adulterated or misbranded goods — destruction, etc. — delivery pending examination — bond required — charges.*] The Secretary of the Treasury shall deliver to the Secretary of Agriculture, upon his request from time to time, samples of foods and drugs which are being imported into the United States or offered for import, giving notice thereof to the owner or consignee, who may appear before the Secretary of Agriculture, and have the right to introduce testimony, and if it appear from the examination of such samples that any article of food or drug offered to be imported into the United States is adulterated or misbranded within the meaning of this Act, or is otherwise dangerous to the health of the people of the United States, or is of a kind forbidden entry into, or forbidden to be sold or restricted in sale in the country in which it is made or from which it is exported, or is otherwise falsely labeled in any respect, the said article shall be refused admission, and the Secretary of the Treasury shall refuse delivery to the consignee and shall cause the destruction of any goods refused delivery which shall not be exported by the consignee within three months from the date of notice of such refusal under such regulations as the Secretary of the Treasury may prescribe: *Provided*, That the Secretary of the Treasury may deliver to the consignee such goods pending examination and decision in the matter on execution of a penal bond for the amount of the full invoice value of such goods, together with the duty thereon, and on refusal to return such goods for any cause to the custody of the Secretary of the Treasury, when demanded, for the purpose of excluding them from the country, or for any other purpose, said consignee shall forfeit the full amount of the bond: *And provided further*, That all charges for storage, cartage, and labor on goods which are refused admission or delivery shall be paid by the owner or consignee, and in default of such payment shall constitute a lien against any future importation made by such owner or consignee. [34 Stat. L. 772.]

SEC. 12. [*Insular possessions included — "person" defined — liability of corporations, etc.*] That the term "Territory" as used in this Act shall include the insular possessions of the United States. The word "person" as used in this Act shall be construed to import both the plural and the singular, as the case demands, and shall include corporations, companies, societies and associations. When construing and enforcing the provisions of this Act, the act, omission, or failure of any officer, agent, or other person acting for or employed by any corporation, company, society, or association, within the scope of his employment or office, shall in every case be also deemed to be the act, omission, or failure of such corporation, company, society, or association as well as that of the person. [34 Stat. L. 772.]

SEC. 13. [*Effect.*] That this Act shall be in force and effect from and after the first day of January, nineteen hundred and seven. [34 Stat. L. 772.]

[SEC. 1.] [*Adulteration of foods, etc. — food preservatives, etc. — hearings — inspection before shipment — standards of purity — dairy products — wheat and other cereals — sugar and starch producing plants — inspection of imported packages — unwholesome, etc., goods not to be delivered.*] * * * To investigate the composition, adulteration, false labeling, or false branding of foods, drugs, beverages, condiments, and ingredients of such articles, when deemed by the Secretary of Agriculture advisable, and also the effect of cold storage upon the healthfulness of foods; to enable the Secretary of Agriculture to investigate the character of food preservatives, coloring matters, and other substances added to foods, to determine their relation to digestion and to health, and to establish the principles which should guide their use, and to publish the results of such investigations when thought advisable: *Provided*, That before any adverse publication is made notice shall be given to the owner or manufacturer of the articles in question, who shall have the right to be heard and to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for food, or as to false labeling or branding;* to enable the Secretary of Agriculture to investigate the character of the chemical and physical tests which are applied to American food products in foreign countries, and to inspect before shipment, when desired by the shippers or owners of these food products, American food products intended for countries where chemical and physical tests are required before said food products are allowed to be sold in the countries mentioned, and for all necessary expenses connected with such inspection and studies of methods of analysis in foreign countries; to enable the Secretary of Agriculture, in collaboration with the Association of Official Agricultural Chemists, and such other experts as he may deem necessary, to ascertain the purity of food products and determine what are regarded as adulterations therein. To investigate, in collaboration with the Bureau of Animal Industry, the chemistry of dairy products and of adulterants used therein, and of the adulterated products; to determine the composition of process, renovated, or adulterated and other treated butters, and other chemical studies relating to dairy products, and to make all analyses of samples required for the execution of the law regulating the manufacture of process, renovated, or adulterated butters. To study, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, the influence of environment upon the chemical composition of wheat and other cereals, with especial reference to the variation in the content of gluten, and the suitability of barley for brewing and other purposes. To investigate the chemical composition of sugar and starch-producing plants in the United States and its possessions, and, in collaboration with the Weather Bureau, the Bureau of Plant Industry, and agricultural experiment stations, to study the effects of environment upon the chemical composition of sugar and starch producing plants. And the Secretary of Agriculture, whenever he has reason to believe that any articles are being imported from foreign countries which are dangerous to the health of the people of the United States, or which shall be falsely labeled or branded either as to their contents or as to the place of their manufacture or production, shall make a request upon the Secretary of the Treasury for samples from original packages of such articles for inspection and analysis, and the Secretary of the Treasury is hereby authorized to open such original packages and deliver specimens to the Secretary of Agriculture for the purpose

The first part of the above provision down to the * is also contained in the Agricultural Appropriation Act of March 4, 1907, ch. 2907.

mentioned, giving notice to the owner or consignee of the sampling of such articles, who may be present and have the right to introduce testimony before the Secretary of Agriculture, or his representative, either in person or by agent, concerning the suitability of such articles for entry; and the Secretary of the Treasury shall refuse delivery to the consignee of any such goods which the Secretary of Agriculture reports to him have been inspected and analyzed and found to be dangerous to health or falsely labeled or branded, either as to their contents or as to the place of their manufacture or production, or which are forbidden entry or to be sold, or are restricted in sale in the countries in which they are made or from which they are exported. [34 Stat. L. 685.]

This is from Agricultural Appropriation Act of June 30, 1906, ch. 3913.
For former provisions, see 10 Fed. Stat. Annot. 89.

[SEC. 1.] [*Inspection of dairy products for export — animal diseases in Minnesota.*] * * * That the Act of March third, eighteen hundred and ninety-one, as amended March second, eighteen hundred and ninety-five, for the inspection of live cattle and products thereof, shall be deemed to include dairy products intended for exportation to any foreign country, and the Secretary of Agriculture may apply, under rules and regulations to be prescribed by him, the provisions of said Act for inspection and certification appropriate for ascertaining the purity and quality of such products, and may cause the same to be so marked, stamped, or labeled as to secure their identity and make known in the markets of foreign countries to which they may be sent from the United States their purity, quality, and grade; and all the provisions of said Act relating to live cattle and products thereof for export shall apply to dairy products so inspected and certified. [34 Stat. L. 1260.]

This is from Agricultural Department Appropriation Act, March 4, 1907, ch. 2907. An identical provision is contained in the Agri-

cultural Appropriation Act of June 30, 1906, ch. 3913, 34 Stat. L. 673.

The provisions referred to in the text are given in 1 Fed. Stat. Annot. 148.

An Act To amend an Act entitled "An Act to prevent the importation of impure and unwholesome tea," approved March second, eighteen hundred and ninety-seven.

[Act of May 16, 1908, ch. 170, 35 Stat. L. 163.]

[*Tea — importation of impure, etc., prohibited — tea used in manufacture of caffeine.*] That section one of "An Act to prevent the importation of impure and unwholesome tea," approved March second, eighteen hundred and ninety-seven, be amended by adding at the end thereof the following words: "*Provided*, That nothing herein shall affect or prevent the importation into the United States, under such regulations as the Secretary of the Treasury may prescribe, of any merchandise as tea which may be inferior in purity, quality, and fitness for consumption to the standards established by the Secretary of the Treasury, or of any tea waste, tea siftings, or tea sweepings, for the sole purpose of manufacturing theine, caffeine, or other chemical products whereby the identity and character of the original material is entirely destroyed or changed; and that importers and manufacturers who import or bring into the United States such tea, tea waste, tea siftings, or tea sweepings shall give suitable bond, to be approved as to amount and securities by the Secretary of the Treasury,

conditioned that said imported material shall be only used for the purposes herein provided, under such regulations as may be prescribed by the Secretary of the Treasury." [35 Stat. L. 163.]

Section 1 of the Act of March 2, 1892, hereby amended, is set forth in 3 Fed. Stat. Annot. 138.

FOREST RESERVES.

See *TIMBER LANDS AND FOREST RESERVES.*

FORGERY.

See *PENAL LAWS.*

FORNICATION.

See *PENAL LAWS.*

GAME ANIMALS AND BIRDS.

Act of June 28, 1906, Ch. 3565, 146.

Sec. 1. Public Lands — Taking, etc., Wild Birds or Eggs from Breeding Grounds, Unlawful, 146.

2. Penalty — Black Hills Reservation Excepted, 146.

Act of June 29, 1906, Ch. 3593, 146.

Sec. 1. Grand Canyon Forest Reserve — Protection of Wild Animals in, 146.

2. Hunting, etc., Unlawful — Penalty, 146.

3. Purpose of the Law, 147.

CROSS-REFERENCES.

Game in Alaska, see ALASKA.

See also PENAL LAWS.

An Act To protect birds and their eggs in game and bird preserves.

[Act of June 28, 1906, ch. 3565, 34 Stat. L. 536.]

[SEC. 1.] [*Public lands — taking, etc., wild birds or eggs from breeding grounds, unlawful.*] That it shall be unlawful for any person to hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever or take the eggs of such birds on any lands of the United States which have been set apart or reserved as breeding grounds for birds by any law, proclamation, or Executive order, except under such rules and regulations as may be prescribed from time to time by the Secretary of Agriculture. [34 Stat. L. 536.]

SEC. 2. [*Penalty — Black Hills Reservation excepted.*] That any person violating the provisions of this Act shall be deemed guilty of a misdemeanor and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding five hundred dollars or be imprisoned for a period not exceeding six months, or shall suffer both fine and imprisonment, in the discretion of the court: *Provided*, That the provisions of this Act shall not apply to the Black Hills Forest Reservation, in South Dakota. [34 Stat. L. 537.]

An Act For the protection of wild animals in the Grand Canyon Forest Reserve.

[Act of June 29, 1906, ch. 3593, 34 Stat. L. 607.]

[SEC. 1.] [*Grand Canyon Forest Reserve — protection of wild animals in.*] That the President of the United States is hereby authorized to designate such areas in the Grand Canyon Forest Reserve as should, in his opinion, be set aside for the protection of game animals and be recognized as a breeding place therefor. [34 Stat. L. 607.]

SEC. 2. [*Hunting, etc., unlawful — penalty.*] That when such areas have been designated as provided in section one of this Act, hunting, trapping, killing, or capturing of game animals upon the lands of the United States within

the limits of said areas shall be unlawful, except under such regulations as may be prescribed from time to time by the Secretary of Agriculture; and any person violating such regulations or the provisions of this Act shall be deemed guilty of a misdemeanor, and shall, upon conviction in any United States court of competent jurisdiction, be fined in a sum not exceeding one thousand dollars, or by imprisonment for a period not exceeding one year, or shall suffer both fine and imprisonment, in the discretion of the court. [34 Stat. L. 607.]

SEC. 3. [*Purpose of the law.*] That it is the purpose of this Act to protect from trespass the public lands of the United States and the game animals which may be thereon, and not to interfere with the operation of the local game laws as affecting private, State, or Territorial lands. [34 Stat. L. 607.]

GEOLOGICAL SURVEY.

Act of March 4, 1909, Ch. 299.

Sec. 1. Copies of Photograph Slides — Sale of, Authorized — Proceeds.

[**SEC. 1.**] [*Copies of photograph slides — sale of, authorized — proceeds.*]

* * * The Director of the Geological Survey shall hereafter furnish to any person, concern, or institution, in the interest of education and the dissemination of knowledge, that shall pay in advance the whole cost of material and services thereof, copies of any photographs or lantern slides in the possession of the United States Geological Survey; and the moneys received by the director for the same shall be deposited in the United States Treasury. [*35 Stat. L. 989.*]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

GOLD AND SILVER WARE.

See FALSE STAMPING.

GOLD CERTIFICATES.

See COINAGE, MINTS, AND ASSAY OFFICES.

GOLD COINS.

See COINAGE, MINTS, AND ASSAY OFFICES.

GOVERNMENT.

Offenses against, see PENAL LAWS.

GOVERNMENT EMPLOYEES.

See *LABOR*.

GRAIN.

See *AGRICULTURE*.

GRAND CANYON FOREST RESERVE.

See *GAME ANIMALS AND BIRDS*.

GUAM.

Agricultural Experiment Stations in, see AGRICULTURE.

Acknowledgments of Deeds and Instruments, see NOTARIES PUBLIC.

HABEAS CORPUS.

Appeal in Habeas Corpus Proceeding, see JUDICIARY.

HAWAIIAN ISLANDS.

Act of May 26, 1906, Ch. 2561, 150.

Disposal of Ceded Property — Confirmation of Former Sales — Proceeds,
150.

Act of June 28, 1906, Ch. 3582, 150.

*Provisions for Government of — Delegate to Congress — Time of Election —
Ballot — Certifying Names of Candidates — Majority Vote — Right of
Delegate — Filling Vacancy — Restriction — Amendment, 150.*

Act of April 2, 1908, Ch. 124, 151.

*Public Lands — Lease of Agricultural Lands — Term of Lease Increased
— Withdrawal for Homestead, etc., Purposes — Rent, 151.*

Act of May 19, 1908, Ch. 175, 151.

Sec. 1. Hawaiian Postal Savings Bank — Unpaid Deposits Belonging to Estates of Intestates — Certification of, by Governor, 151.

2. Time Limit for Presentation of Claims, 152.

3. Use of Balances, 152.

Act of May 22, 1908, Ch. 186, 152.

Sec. 1. Compensation and Mileage of Members of Legislature — Extra Session, 152.

Act of March 8, 1909, Ch. 269, 152.

Sec. 1. District Court Established — Judges — Jurisdiction — Procedure — Terms — Clerk — Reporter — Appeals, 152.

CROSS-REFERENCE.

Experiment Stations in, see AGRICULTURE.

An Act To provide for the disposition of certain property in the Territory of Hawaii.

[Act of May 26, 1906, ch. 2561, 34 Stat. L. 204.]

[Disposal of ceded property — confirmation of former sales — proceeds.] That all personal and movable property ceded and transferred to the United States by the Republic of Hawaii under the joint resolution of annexation approved July seventh, eighteen hundred and ninety-eight, may be sold, leased, or otherwise disposed of in such manner as may be provided by the laws of the Territory of Hawaii: *Provided*, That all sales, leases, or other disposals of such property heretofore made by said Territory, under the authority of such laws, are hereby ratified and confirmed, and all moneys or revenues derived from sales or disposals heretofore made, or made under authority of this Act, shall remain the property of said Territory. [34 Stat. L. 204.]

An Act To amend the Act to provide a government for the Territory of Hawaii, approved April thirtieth, nineteen hundred.

[Act of June 28, 1906, ch. 3532, 34 Stat. L. 550.]

[Provisions for government of — delegate to Congress — time of election — ballot — certifying names of candidates — majority vote — right of delegate — filling vacancy — restriction — amendment.] That section eighty-five of an Act entitled "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, shall be amended to read as follows:

"SEC. 85. That a Delegate to the House of Representatives of the United States, to serve during each Congress, shall be elected by the voters qualified to vote for members of the house of representatives of the legislature. Such Delegate shall possess the qualifications necessary for membership of the senate of the legislature of Hawaii. Such election shall be held on the first Tuesday after the first Monday in November of every even year and at such places as shall be designated by the secretary of the Territory. The ballot for Delegate shall be such as the legislature of Hawaii may designate, and until provision is made by the Territorial legislature the ballot shall be of pink paper and shall be of the same general form as those used for the election of representatives to the legislature. The method of certifying the names of candidates for place on this ballot and all the conduct of the election of a Delegate shall be in conformity to the general election laws of the Territory of Hawaii. The person

having the greatest number of votes shall be declared by the governor duly elected, and a certificate shall be given accordingly. Every such Delegate shall have a seat in the House of Representatives, with the right of debate, but not of voting. In case of a vacancy occurring in the office of Delegate, the governor of the Territory is directed to call a special election to fill such vacancy: *Provided, however,* That no vacancy shall be filled which occurs within five months of the expiration of a Congressional term. The legislature of the Territory of Hawaii shall have the right to alter or amend any part of the election laws of said Territory, including those providing for an election of Delegate to Congress, and its action shall be the law, with full, binding force, until altered, amended, or repealed by Congress." [34 Stat. L. 550.]

Section 85 of the Act of April 30, 1900, is set forth in 3 Fed. Stat. Annot. 206.

An Act To amend section seventy-three of the Act to provide a government for the Territory of Hawaii.

[Act of April 2, 1903, ch. 124, 35 Stat. L. 56.]

[*Public lands — lease of agricultural lands — term of lease increased — withdrawal for homestead, etc., purposes — rent.*] That the portion of section seventy-three of "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, which reads as follows: "And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than five years until Congress shall otherwise direct," is hereby amended to read as follows: "And no lease of agricultural land shall be granted, sold, or renewed by the government of the Territory of Hawaii for a longer period than fifteen years, and in every such case the land, or any part thereof so leased, may at any time during the term of the lease be withdrawn from the operation thereof for homestead or public purposes, in which case the rent reserved shall be reduced in proportion to the value of the part so withdrawn, and every such lease shall contain a provision to that effect." [35 Stat. L. 56.]

Section 73 of the Act of April 30, 1900, hereby amended, is set forth in 3 Fed. Stat. Annot. 202.

An Act Relating to unpaid Hawaiian Postal Savings Bank deposits.

[Act of May 19, 1906, ch. 175, 35 Stat. L. 165.]

[**SEC. 1.**] [*Hawaiian Postal Savings Bank — unpaid deposits belonging to estates of intestates — certification of, by governor.*] That whenever, by reason of the death of any person and the want of an executor or administrator, any demand for moneys deposited in the Hawaiian Postal Savings Bank can not be certified to by the governor of Hawaii as provided in section one hundred and two of "An Act to provide a government for the Territory of Hawaii," approved April thirtieth, nineteen hundred, the governor may, upon written application, certify to such demand as due to the persons satisfactorily proved to him to be the persons who would be entitled to the personal estate of the decedent by the terms of the laws of Hawaii relating to the distribution of estate of intestates, and his certificate so made, when sealed, countersigned, and approved as provided in said section for other certificates shall have the same force and effect as such other certificates. [35 Stat. L. 165.]

Section 102 of the Act of April 30, 1900, is set forth in 3 Fed. Stat. Annot. 211.

SEC. 2. [*Time limit for presentation of claims.*] That all claims to moneys deposited in the Hawaiian Postal Savings Bank not presented for certification as provided by law within two years after the passage of this Act shall be forever barred. [*35 Stat. L. 165.*]

SEC. 3. [*Use of balances.*] That when all claims certified as provided by law have been paid the Secretary of the Interior shall draw his warrant for the balance, if any, of the Hawaiian Postal Savings Bank deposits then remaining unpaid upon the Treasurer of the United States payable to the treasurer of the Territory of Hawaii, who shall thereupon apply the same toward the payment of the public debt of Hawaii, in conformity with the provisions of the "Joint resolution to provide for annexing the Hawaiian Islands to the United States," approved July seventh, eighteen hundred and ninety-eight. [*35 Stat. L. 165.*]

The Joint Resolution of July 7, 1898, is given in 3 Fed. Stat. Annot. 183.

[SEC. 1.] [*Compensation and mileage of members of legislature — extra session.*] * * * That the members of the legislature of the Territory of Hawaii shall not draw their compensation of two hundred dollars, or any mileage, for any extra session held in compliance with section fifty-four of an Act to provide a government for the Territory of Hawaii, approved April thirtieth, anno Domini nineteen hundred. [*35 Stat. L. 213.*]

This is from the Legislative, Executive, and Judicial Appropriation Act of May 22, 1900, ch. 186. For sec. 54 of the Act of April 30, 1900, see 3 Fed. Stat. Annot. 197.

An Act To amend section eighty-six of an Act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.

[*Act of March 3, 1900, ch. 269, 35 Stat. L. 338.*]

[SEC. 1.] [*District court established — judges — jurisdiction — procedure — terms — clerk — reporter — appeals.*] That section eighty-six of the Act approved April thirtieth, nineteen hundred, entitled "An Act to provide a government for the Territory of Hawaii," be, and the same is hereby, amended so as to read as follows:

"SEC. 86. There shall be established in the said Territory a district court, to consist of two judges, who shall reside therein and be called district judges, and who shall each receive an annual salary of six thousand dollars. The said court while in session shall be presided over by only one of said judges. The two judges shall from time to time, either by order or rules of court, prescribe at what times and in what class of cases each of them shall preside. The said two judges shall have the same powers in all matters coming before said court. The President of the United States, by and with the advice and consent of the Senate of the United States, shall appoint two district judges, a district attorney, and a marshal of the United States for the said district, and said judges, attorney, and marshal shall hold office for six years unless sooner removed by the President. The said court shall have, in addition to the ordinary jurisdiction of district courts of the United States, jurisdiction of all cases cognizable in a circuit court of the United States, and shall proceed therein in the same manner as a circuit court; and the said judges, district attorney, and marshal shall have and exercise in the Territory of Hawaii all the powers conferred by the laws of the United States upon the judges, district attorneys, and marshals of district and

circuit courts of the United States. Writs of error and appeals from the said district court shall be had and allowed to the circuit court of appeals for the ninth judicial circuit in the same manner as writs of error and appeals are allowed from circuit courts to circuit courts of appeal as provided by law, and appeals and writs of error may be taken to the Supreme Court of the United States from said district court in cases where appeals and writs of error are allowed from the district and circuit courts of the United States to the Supreme Court, and the laws of the United States relating to juries and jury trials shall be applicable to said district court. The laws of the United States relating to appeals, writs of error, removal of causes, and other matters and proceedings as between the courts of the United States and the courts of the several States shall govern in such matters and proceedings as between the courts of the United States and the courts of the Territory of Hawaii. Regular terms of said court shall be held in Honolulu on the second Monday in April and October, and special terms may be held at such times and places in said district as the said judges may deem expedient. The said district judges shall appoint a clerk of said court at a salary of three thousand dollars per annum and shall appoint a reporter of said court at a salary of one thousand two hundred dollars per annum: *Provided*, That writs of error and appeals may also be taken from the supreme court of the Territory of Hawaii to the Supreme Court of the United States in all cases where the amount involved, exclusive of costs, exceeds the sum or value of five thousand dollars." [35 Stat. L. 838.]

Section 86 of the Act of April 30, 1900, hereby amended, is set forth in 3 Fed. Stat. Annot. 206.

The remaining sections of this Act relate to other territorial courts and judicial districts.

The last section (23), given *infra*, under the title STATES, provides that the Act shall take effect July 1, 1909, and repeals conflicting provisions.

HAZING.

See *NAVAL ACADEMY*.

HEALTH AND QUARANTINE.

Act of June 19, 1906, Ch. 3433, 154.

- Sec. 1. National Quarantine—Control of Stations, etc., Vested in Secretary of Treasury—Establishment of Yellow Fever Stations—Dry Tortugas, etc., Detention Stations, 154.*
- 2. Transfer of Title from Other Departments, etc.—Purchase of Private Titles—Condemnation—Control of Stations, 154.*
 - 3. Publication of Selection of Sites, etc.—Establishment of Stations, Disinfecting Plants, etc., 155.*
 - 4. Punishment for Unauthorized Entry or Departure from Stations—Punishment of Owners or Masters of Vessels Violating Laws, Rules, etc., 155.*
 - 5. Acceptance of State or Municipal Stations—Purchase, 156.*
 - 6. Jurisdiction of United States, 156.*
 - 7. Appropriation for Carrying Act into Effect, etc., 156.*

An Act To further protect the public health and make more effective the national quarantine.

[Act of June 19, 1906, ch. 3433, 34 Stat. L. 299.]

[**SEC. 1.**] [*National quarantine—control of stations, etc., vested in Secretary of Treasury—establishment of yellow fever stations—Dry Tortugas, etc., detention stations.*] That the Secretary of the Treasury shall have the control, direction, and management of all quarantine stations, grounds, and anchorages established by authority of the United States, and as soon as practicable after the approval of this Act shall select and designate such suitable places for them and establish the same at such points on or near the coast line of the United States or the border of the United States and a foreign country, as in his judgment are best suited for the same and necessary to prevent the introduction of yellow fever into the United States, and, in his discretion, he may also establish at the group of islands known as the Dry Tortugas, at the western end of the Florida reef, and at such other point or points on or near the coast line of the United States (not to exceed four in the aggregate) as he deems necessary, quarantine grounds, stations, and anchorages, whereat or whereto infected vessels bound for any port in the United States may be detained or sent for the purpose of being disinfected, having their cargoes disinfected and discharged, if necessary, and their sick treated in hospitals until all danger of infection or contagion from such vessels, their cargoes, passengers, or crews has been removed. [**34 Stat. L. 299.**]

SEC. 2. [*Transfer of title from other departments, etc.—purchase of private titles—condemnation—control of stations.*] That in cases in which the title to the land and water so selected and designated is in the United States it shall be the duty of the department, bureau, or official of the United States having custody or possession of such land and water, or any part thereof, not used by the Government for other purposes designated by law, or possession of said Dry Tortugas Islands, on demand of the Secretary of the Treasury, to deliver the same into his custody and possession for the use of the Public Health and Marine-Hospital Service, evidencing such delivery by a suitable instrument in

writing to be delivered to the Secretary of the Treasury. That in cases in which the title to such land and water, or any part thereof, is in any other owner than the United States it shall be the duty of the Secretary of the Treasury to secure the title and possession of the same to the United States for the use of the Public Health and Marine-Hospital Service of the United States, by purchase at a reasonable price, if possible; but if, in his judgment, the price demanded for such property be excessive, he is hereby authorized to apply to the Attorney-General of the United States to cause to be instituted, in the proper tribunal, condemnation proceedings in the name of the United States for the purpose of acquiring for the United States the title and possession of such land and water, and said Attorney-General shall, as soon as possible after such application by the Secretary of the Treasury, cause such proceedings to be instituted and conducted to a conclusion, and the custody and possession of such land and water, when duly acquired in accordance with the award made in such condemnation proceedings, shall be delivered to the Secretary of the Treasury for the use of the Public Health and Marine-Hospital Service. [34 Stat. L. 299.]

SEC. 3. [*Publication of selection of sites, etc. — establishment of stations, disinfecting plants, etc.*] That on acquiring possession of any land and water in accordance with the provisions of this Act for the purpose of establishing thereat a quarantine station and anchorage, the Secretary of the Treasury shall cause to be published in such newspapers as he may think proper, once a week for four successive weeks, a notice of the selection and designation of such places for quarantine stations and anchorages, with a description of the boundaries of such quarantine stations and anchorages, and such rules and regulations as he shall adopt and promulgate, requiring vessels with yellow fever among their passengers or crews to go to specified quarantine stations and anchorages, to be dealt with there before visiting any port of the United States. He shall establish at such quarantine stations and anchorages all necessary instrumentalities for disinfecting vessels and their cargoes, and where the same shall be required shall erect the necessary hospital buildings and install the necessary furniture and fittings for receiving and treating the sick among the passengers and crews of vessels going to such quarantine stations and anchorages, and provide for the separation of those among their passengers and crews who are suffering from yellow fever from those who are in good health, and shall further provide for doing all things necessary to eradicate such disease from such vessels, their cargoes, passengers, and crews. [34 Stat. L. 300.]

SEC. 4. [*Punishment for unauthorized entry or departure from stations — punishment of owners or masters of vessels violating laws, rules, etc.*] That any vessel, or any officer of any vessel, or other person other than State health or quarantine officers, entering within the limits of any quarantine grounds and anchorages, or any quarantine station and anchorage, or departing therefrom, in disregard of the quarantine rules and regulations or without the permission of the officer in charge of such quarantine ground and anchorage, or of such quarantine station and anchorage, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be punished by a fine of not more than three hundred dollars or by imprisonment for not more than one year, or both, in the discretion of the court. That any master or owner of any vessel violating any provision of this Act, or any provision of an Act entitled "An Act granting additional powers and imposing additional duties on the Marine-Hospital Service," approved February fifteenth, eighteen hundred and ninety-three, or violating any rule or regulation made in accordance with this Act or said Act of February fifteenth, eighteen hundred and ninety-three, relating to the inspection of

vessels, or to the prevention of the introduction of contagious or infectious diseases into the United States, or any master, owner, or agent of any vessel making a false statement relative to the sanitary condition of such vessel or its contents, or as to the health of any passenger or person thereon shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than five hundred dollars or imprisonment for not more than one year, or both, in the discretion of the court. [34 Stat. L. 300.]

The Act of Feb. 15, 1893, above referred to, is given in 3 Fed. Stat. Annot. 221.

SEC. 5. [*Acceptance of state or municipal stations — purchase.*] That in any place where a quarantine station and plant is already established by State or local authorities it shall be the duty of the Secretary of the Treasury, before selecting and designating a quarantine station and grounds and anchorage for vessels, to examine such established stations and plants, with a view of obtaining a transfer of the site and plants to the United States, and whenever the proper authorities shall be ready to transfer the same or surrender the use thereof to the United States, the Secretary of the Treasury is authorized to obtain title thereto or possession and use thereof, and to pay a reasonable compensation therefor, if, in his opinion, such purchase or use will be necessary to the United States for quarantine purposes and the quarantine stations established by authority of this Act shall, when so established, be used to prevent the introduction of all quarantinable diseases. [34 Stat. L. 301.]

SEC. 6. [*Jurisdiction of United States.*] That whenever any established station, or any land or water, or any part thereof, shall be acquired by the United States under the provisions of this Act, jurisdiction over the same shall be ceded to the United States by any State in which the same is situated before any compensation therefor shall be paid. [34 Stat. L. 301.]

SEC. 7. [*Appropriation for carrying Act into effect, etc.*] That the sum of five hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purpose of carrying into effect the provisions of this Act, as well as for the purpose generally of preventing the importation of yellow fever and other quarantinable diseases into the United States, and for the further purposes, in cooperation with State or municipal health authorities, of eradicating them should they be imported, of preventing their spread from one State into another State, and of destroying their causes. [34 Stat. L. 301.]

HOMESTEAD.

See *PHILIPPINE ISLANDS; PUBLIC LANDS.*

HOSPITAL SHIPS.

See *SHIPPING AND NAVIGATION.*

HOSPITALS AND ASYLUMS.

Act of June 30, 1906, Ch. 3914, 157.

Government Hospital for Insane — Deposit of Pension Moneys of Deceased Inmates in Treasury — Covered into Treasury after Five Years if Unclaimed — Regulations, 157.

Act of Feb. 2, 1909, Ch. 58, 157.

Sec. 1. Government Hospital for Insane — Superintendent — Appointment of Disbursing Agent — Disbursement of Pension Money of Inmates, 157.

2. Repeal, 159.

Act of March 4, 1909, Ch. 299, 159.

National Home for Disabled Volunteers — Admission for Service in Philippines, China, and Alaska, 159.

CROSS-REFERENCES.

Public Health and Marine Hospital Service, see HEALTH AND QUARANTINE.
Naval Hospital Corps, see NAVY.

[*Government Hospital for Insane — deposit of pension moneys of deceased inmates in Treasury — covered into Treasury after five years if unclaimed — regulations.*] All moneys belonging to deceased inmates of the Government Hospital for the Insane and deposited in the Treasury by the superintendent as agent prior to February twentieth, nineteen hundred and five, shall, if unclaimed by the legal heirs of such inmate within the period of five years from the date of the passage of this Act, be covered into the Treasury, and all moneys so deposited by the superintendent as agent after February twentieth, nineteen hundred and five, and belonging to inmates who have died since that time, or may hereafter die, shall likewise be covered into the Treasury unless claimed by his or her legal heirs within five years from the death of the inmate. And the superintendent of the Government Hospital for the Insane is hereby authorized and directed, under such regulations as may be prescribed by the Secretary of the Interior, to make diligent inquiry in every instance after the death of an inmate to ascertain the whereabouts of his or her legal heirs. Claims may be presented hereunder at any time, and when established by competent proof in any case more than five years after the death of an inmate shall be certified to Congress for consideration. [34 Stat. L. 730.]

This is from Sundry Civil Expenses Appropriation Act, June 30, 1906, ch. 3914.

An Act To provide for a disbursing officer for the Government Hospital for the Insane.

[Act of Feb. 2, 1909, ch. 58, 35 Stat. L. 592.]

[SEC. 1.] [*Government Hospital for Insane — superintendent — appointment of disbursing agent — disbursement of pension money of inmates.*] That section forty-eight hundred and thirty-nine of the Revised Statutes be, and the same is hereby, amended so as to read as follows;

"Sec. 4839. The chief executive officer of the Government Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, shall be entitled to a salary of four thousand dollars a year, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution, who shall give a bond satisfactory to the Secretary of the Interior, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties; he shall also be an ex officio secretary of the board of visitors. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for the Government Hospital for the Insane, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds now in the hands of the superintendent or which may hereafter be intrusted to him by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of the Interior may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided, and in case of his return from said hospital to the Home any balance to his credit at said hospital shall in like manner be transferred to said Home, to be expended in accordance with the rules established in regard thereto, and this provision shall also be applicable to all unexpended pension

money heretofore paid to the officers of said hospital on account of pensioners who were but are not now inmates thereof." [35 Stat. L. 592.]

R. S. sec. 4839, hereby amended, is set forth in 3 Fed. Stat. Annot. 272.

Sec. 2. [*Repeal.*] That all provisions of law inconsistent with this Act are hereby repealed. [35 Stat. L. 593.]

[*National Home for Disabled Volunteers—admission for service in Philippines, China, and Alaska.*] In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska, who are now or who hereafter may become disabled by disease or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto. [35 Stat. L. 1012.]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

HOT SPRINGS MOUNTAIN RESERVATION.

United States Commissioners' Jurisdiction, see JUDICIAL OFFICERS.

HYDRAULIC MINING.

See *WATERS.*

IMMIGRATION.

Act of Feb. 20, 1907, Ch. 1134, 161.

- Sec. 1. Head Tax on Entry of Aliens Increased—Payment—To Constitute "Immigrant Fund"—Use of—Lien on Vessels, etc., for Tax—Aliens Exempted—Payments by Railroads—Limit of Fund—Arrivals from Insular Possessions—Exclusion of Aliens Detrimental to Labor Conditions, 161.*
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39. Joint Commission on Immigration—Powers, Duties, etc.—Report—Expenses—International Conference May Be Called—Subjects for Consideration, 176.
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CROSS-REFERENCES.

Estimates Required, see ESTIMATES, APPROPRIATIONS, AND REPORTS.
Bureau of Immigration and Naturalization, see NATURALIZATION.

An Act To regulate the immigration of aliens into the United States.

[Act of Feb. 20, 1907, ch. 1184, 34 Stat. L. 393.]

[SEC. 1.] *[Head tax on entry of aliens increased—payment—to constitute "immigrant fund"—use of—lien on vessels, etc., for tax—aliens exempted—payments by railroads—limit of fund—arrivals from insular possessions—exclusion of aliens detrimental to labor conditions.]* That there shall be levied, collected, and paid a tax of four dollars for every alien entering the United States. The said tax shall be paid to the collector of customs of the port or customs district to which said alien shall come, or, if there be no collector at such port or district, then to the collector nearest thereto, by the master, agent, owner, or consignee of the vessel, transportation line, or other conveyance or vehicle bringing such alien to the United States. The money thus collected, together with all fines and rentals collected under the laws regulating the immigration of aliens into the United States, shall be paid into the Treasury of the United States, and shall constitute a permanent appropriation to be called the "immigrant fund," to be used under the direction of the Secretary of Commerce and Labor to defray the expense of regulating the immigration of aliens into the United States under said laws, including the contract labor laws, the cost of reports of decisions of the Federal courts, and digest thereof, for the use of the Commissioner-General of Immigration, and the salaries and expenses of all officers, clerks, and employees appointed to enforce said laws. The tax imposed by this section shall be a lien upon the vessel, or

other vehicle of carriage or transportation bringing such aliens to the United States, and shall be a debt in favor of the United States against the owner or owners of such vessel, or other vehicle, and the payment of such tax may be enforced by any legal or equitable remedy. That the said tax shall not be levied upon aliens who shall enter the United States after an uninterrupted residence of at least one year, immediately preceding such entrance, in the Dominion of Canada, Newfoundland, the Republic of Cuba, or the Republic of Mexico, nor upon otherwise admissible residents of any possession of the United States, nor upon aliens in transit through the United States, nor upon aliens who have been lawfully admitted to the United States and who later shall go in transit from one part of the United States to another through foreign contiguous territory: *Provided*, That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, by agreement with transportation lines, as provided in section thirty-two of this Act, may arrange in some other manner for the payment of the tax imposed by this section upon any or all aliens seeking admission from foreign contiguous territory: *Provided further*, That if in any fiscal year the amount of money collected under the provisions of this section shall exceed two million five hundred thousand dollars, the excess above that amount shall not be added to the "immigrant fund:" *Provided further*, That the provisions of this section shall not apply to aliens arriving in Guam, Porto Rico, or Hawaii; but if any such alien, not having become a citizen of the United States, shall later arrive at any port or place of the United States on the North American Continent the provisions of this section shall apply: *Provided further*, That whenever the President shall be satisfied that passports issued by any foreign government to its citizens to go to any country other than the United States or to any insular possession of the United States or to the Canal Zone are being used for the purpose of enabling the holders to come to the continental territory of the United States to the detriment of labor conditions therein, the President may refuse to permit such citizens of the country issuing such passports to enter the continental territory of the United States from such other country or from such insular possessions or from the Canal Zone. [34 Stat. L. 898.]

Head tax and immigration receipts to be covered into Treasury, see provision from the Act of March 4, 1909, ch. 299, *infra*, p. 178.

The rules of the commissioner-general of immigration are to be designed to carry this Act into practical effect; he can make no rule contrary to the spirit of the law, and much less can he add to it any provisions excluding aliens. The twenty-first rule of the commis-

sioner goes beyond the authority of the Act in excluding Japanese and Koreans who are without passports. U. S. v. Hemet, 156 Fed. 285.

Japanese laborers who arrive as seamen and are without passports vouchsafing their entry into the United States are not subject to deportation under the last proviso of this section. U. S. v. Hemet, 156 Fed. 285.

SEC. 2. [*Classes excluded admission, extended — defective persons — contract laborers — exceptions — political offenses — aliens in transit — skilled labor — professional servants.*] That the following classes of aliens shall be excluded from admission into the United States: All idiots, imbeciles, feeble-minded persons, epileptics, insane persons, and persons who have been insane within five years previous; persons who have had two or more attacks of insanity at any time previously; paupers; persons likely to become a public charge; professional beggars; persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease; persons not comprehended within any of the foregoing excluded classes who are found to be and are certified by the examining surgeon as being mentally or physically defective, such mental or physical defect being of a nature which may affect the ability of such alien to earn a living; persons who have been convicted of or admit having committed

a felony or other crime or misdemeanor involving moral turpitude; polygamists, or persons who admit their belief in the practice of polygamy, anarchists, or persons who believe in or advocate the overthrow by force or violence of the Government of the United States, or of all government, or of all forms of law, or the assassination of public officials; prostitutes, or women or girls coming into the United States for the purpose of prostitution or for any other immoral purpose; persons who procure or attempt to bring in prostitutes or women or girls for the purpose of prostitution or for any other immoral purpose; persons hereinafter called contract laborers, who have been induced or solicited to migrate to this country by offers or promises of employment or in consequence of agreements, oral, written or printed, express or implied, to perform labor in this country of any kind, skilled or unskilled; those who have been, within one year from the date of application for admission to the United States, deported as having been induced or solicited to migrate as above described; any person whose ticket or passage is paid for with the money of another, or who is assisted by others to come, unless it is affirmatively and satisfactorily shown that such person does not belong to one of the foregoing excluded classes, and that said ticket or passage was not paid for by any corporation, association, society, municipality, or foreign government, either directly or indirectly; all children under sixteen years of age, unaccompanied by one or both of their parents, at the discretion of the Secretary of Commerce and Labor or under such regulations as he may from time to time prescribe: *Provided*, That nothing in this Act shall exclude, if otherwise admissible, persons convicted of an offense purely political, not involving moral turpitude: *Provided further*, That the provisions of this section relating to the payments for tickets or passage by any corporation, association, society, municipality, or foreign government shall not apply to the tickets or passage of aliens in immediate and continuous transit through the United States to foreign contiguous territory: *And provided further*, That skilled labor may be imported if labor of like kind unemployed can not be found in this country: *And provided further*, That the provisions of this law applicable to contract labor shall not be held to exclude professional actors, artists, lecturers, singers, ministers of any religious denomination, professors for colleges or seminaries, persons belonging to any recognized learned profession, or persons employed strictly as personal or domestic servants. [34 Stat. L. 898.]

See notes under secs. 21, 28, 43, *infra*.

SEC. 3. [*Importing women for prostitution, etc., forbidden — punishment — deportation.*] That the importation into the United States of any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, is hereby forbidden; and whoever shall, directly or indirectly, import, or attempt to import, into the United States, any alien woman or girl for the purpose of prostitution, or for any other immoral purpose, or whoever shall hold or attempt to hold any alien woman or girl for any such purpose in pursuance of such illegal importation, or whoever shall keep, maintain, control, support, or harbor in any house or other place, for the purpose of prostitution, or for any other immoral purpose, any alien woman or girl, within three years after she shall have entered the United States, shall, in every such case, be deemed guilty of a felony, and on conviction thereof be imprisoned not more than five years and pay a fine of not more than five thousand dollars; and any alien woman or girl who shall be found an inmate of a house of prostitution or practicing prostitution, at any time within three years after she shall have entered the United States, shall be deemed to be unlawfully within the United

States and shall be deported as provided by sections twenty and twenty-one of this Act. [34 Stat. L. 899.]

Interpretation.—The words “or for any other immoral purpose” in the above section are broad enough to include the case of one who imports an alien woman into the United States with intent that she shall live with him as his concubine; and an indictment omitting any averment as to prostitution *eo nomine*, but alleging an importation for the purpose of living in concubinage with the importer, is sufficient to charge an offense under the statute. *U. S. v. Bitty*, (1908) 208 U. S. 393, reversing (1907) 155 Fed. 938.

Validity as to maintenance of prostitutes.—In so far as this provision assumes to constitute it an offense to keep an alien in a house of prostitution it is unconstitutional. Congress has no power to punish such acts, the jurisdiction thereover being solely with the states by virtue of the reservation of the police power to them. *Keller v. U. S.*, 213 U. S. 138, 29 Sup. Ct. Rep. 470. This was an indictment for a violation of the part of the above section which relates to “whoever shall keep, maintain,” etc., “in any house or other place, for the purpose of prostitution * * * any alien woman.” It was urged that Congress had power to enact this provision because of its relation to and effect upon the importation and exclusion of aliens. To this the court, *per Mr. Justice Brewer*, said: “The act charged is only one included in the great mass of personal dealings with aliens. It is her own character and conduct which determine the question of exclusion or removal. The acts of others may be evidence of her business and character. But it does not follow

that Congress has the power to punish those whose acts furnish evidence from which the government may determine the question of her expulsion. Every possible dealing of any citizen with the alien may have more or less induced her coming. But can it be within the power of Congress to control all the dealings of our citizens with resident aliens? If that be possible, the door is open to the assumption by the national government of an almost unlimited body of legislation. * * * If the contention of the government be sound, whatever may have been done in the past, however little this field of legislation may have been entered upon, the power of Congress is broad enough to take cognizance of all dealings of citizens with aliens. That there is a moral consideration in the special facts of this case, that the act charged is within the scope of the police power, is immaterial, for, as stated, there is in the Constitution no grant to Congress of the police power. And the legislation must stand or fall according to the determination of the question of the power of Congress to control generally dealings of citizens with aliens. In other words, an immense body of legislation, which heretofore has been recognized as peculiarly within the jurisdiction of the states, may be taken by Congress away from them. Although Congress has not largely entered into this field of legislation, it may do so if it has the power. Then we should be brought face to face with such a change in the internal conditions of this country as was never dreamed of by the framers of the Constitution.”

SEC. 4. [Importing contract labor a misdemeanor.] That it shall be a misdemeanor for any person, company, partnership, or corporation, in any manner whatsoever, to prepay the transportation or in any way to assist or encourage the importation or migration of any contract laborer or contract laborers into the United States, unless such contract laborer or contract laborers are exempted under the terms of the last two provisos contained in section two of this Act. [34 Stat. L. 900.]

The word “misdemeanor” in the above section, which was substituted for a provision in the corresponding section of the former Act that similar actions should be “unlawful,” imports a crime, and defines an offense for conspiracy to commit which an indictment

will lie under R. S. sec. 5440, notwithstanding the fact that no punishment for the completed crime itself is provided within the limits of the Act. *U. S. v. Tsokas*, (1908) 163 Fed. 129.

SEC. 5. [Penalty for violations — suits by informer.] That for every violation of any of the provisions of section four of this Act the persons, partnership, company, or corporation violating the same, by knowingly assisting, encouraging, or soliciting the migration or importation of any contract laborer into the United States shall forfeit and pay for every such offense the sum of one thousand dollars, which may be sued for and recovered by the United States, or by any person who shall first bring his action therefor in his own name and for his own benefit, including any such alien thus promised labor or service of any kind as aforesaid, as debts of like amount are now recovered in the courts of the United States; and separate suits may be brought for each alien

thus promised labor or service of any kind as aforesaid. And it shall be the duty of the district attorney of the proper district to prosecute every such suit when brought by the United States. [34 Stat. L. 900.]

SEC. 6. [*Advertising abroad for labor immigration a misdemeanor — offers of states, etc., excepted.*] That it shall be unlawful and be deemed a violation of section four of this Act to assist or encourage the importation or migration of any alien by promise of employment through advertisements printed and published in any foreign country; and any alien coming to this country in consequence of such an advertisement shall be treated as coming under promise or agreement as contemplated in section two of this Act, and the penalties imposed by section five of this Act shall be applicable to such a case: *Provided*, That this section shall not apply to States or Territories, the District of Columbia, or places subject to the jurisdiction of the United States advertising the inducements they offer for immigration thereto, respectively. [34 Stat. L. 900.]

SEC. 7. [*Soliciting by vessel owners, etc., forbidden — penalties.*] That no transportation company or owner or owners of vessels, or others engaged in transporting aliens into the United States, shall, directly or indirectly, either by writing, printing, or oral representation, solicit, invite, or encourage the immigration of any aliens into the United States, but this shall not be held to prevent transportation companies from issuing letters, circulars, or advertisements, stating the sailings of their vessels and terms and facilities of transportation therein; and for a violation of this provision, any such transportation company, and any such owner or owners of vessels, and all others engaged in transporting aliens into the United States, and the agents by them employed, shall be severally subjected to the penalties imposed by section five of this Act. [34 Stat. L. 900.]

SEC. 8. [*Punishment for illegally landing aliens, etc.*] That any person including the master, agent, owner, or consignee of any vessel, who shall bring into or land in the United States, by vessel or otherwise, or who shall attempt, by himself or through another, to bring into or land in the United States, by vessel or otherwise, any alien not duly admitted by an immigrant inspector or not lawfully entitled to enter the United States shall be deemed guilty of a misdemeanor, and shall, on conviction, be punished by a fine not exceeding one thousand dollars, or by imprisonment for a term not exceeding two years, or by both such fine and imprisonment for each and every alien so landed or brought in or attempted to be landed or brought in. [34 Stat. L. 900.]

SEC. 9. [*Exclusion for certain physical disabilities — fines for violation — clearance refused — bond.*] That it shall be unlawful for any person, including any transportation company other than railway lines entering the United States from foreign contiguous territory, or the owner, master, agent, or consignee of any vessel to bring to the United States any alien subject to any of the following disabilities: Idiots, imbeciles, epileptics, or persons afflicted with tuberculosis or with a loathsome or dangerous contagious disease, and if it shall appear to the satisfaction of the Secretary of Commerce and Labor that any alien so brought to the United States was afflicted with any of the said diseases or disabilities at the time of foreign embarkation and that the existence of such disease or disability might have been detected by means of a competent medical examination at such time, such person or transportation company, or the master, agent, owner, or consignee of any such vessel shall pay to the collector of customs of the customs district in which the port of arrival is located the sum

of one hundred dollars for each and every violation of the provisions of this section; and no vessel shall be granted clearance papers pending the determination of the question of the liability to the payment of such fine, and in the event such fine is imposed, while it remains unpaid, nor shall such fine be remitted or refunded: *Provided*, That clearance may be granted prior to the determination of such questions upon the deposit of a sum sufficient to cover such fine and costs, such sum to be named by the Secretary of Commerce and Labor. [34 Stat. L. 901.]

SEC. 10. [*Decision of special inquiry board on diseased persons, final.*] That the decision of the board of special inquiry, hereinafter provided for, based upon the certificate of the examining medical officer, shall be final as to the rejection of aliens affected with tuberculosis or with a loathsome or dangerous contagious disease, or with any mental or physical disability which would bring such aliens within any of the classes excluded from admission to the United States under section two of this Act. [34 Stat. L. 901.]

See *Ex p. Lee Sher Wing*, (1908) 164 Fed. 506.

SEC. 11. [*Return of alien accompanying rejected helpless alien.*] That upon the certificate of a medical officer of the United States Public Health and Marine Hospital Service to the effect that a rejected alien is helpless from sickness, mental or physical disability, or infancy, if such alien is accompanied by another alien whose protection or guardianship is required by such rejected alien, such accompanying alien may also be excluded, and the master, agent, owner, or consignee of the vessel in which such alien and accompanying alien are brought shall be required to return said alien and accompanying alien in the same manner as vessels are required to return other rejected aliens. [34 Stat. L. 901.]

SEC. 12. [*Lists of alien passengers arriving required — contents — alien passengers leaving — contents — disposition — regular trips — insular possessions.*] That upon the arrival of any alien by water at any port within the United States it shall be the duty of the master or commanding officer of the steamer, sailing or other vessel having said alien on board to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation of such alien on board such steamer or vessel, which shall, in answer to questions at the top of said list, state as to each alien the full name, age, and sex; whether married or single; the calling or occupation; whether able to read or write; the nationality; the race; the last residence; the name and address of the nearest relative in the country from which the alien came; the seaport for landing in the United States; the final destination, if any, beyond the port of landing; whether having a ticket through to such final destination; whether the alien has paid his own passage or whether it has been paid by any other person or by any corporation, society, municipality, or government, and if so, by whom; whether in possession of fifty dollars, and if less, how much; whether going to join a relative or friend, and if so, what relative or friend, and his or her name and complete address; whether ever before in the United States, and if so, when and where; whether ever in prison or almshouse or an institution or hospital for the care and treatment of the insane or supported by charity; whether a polygamist; whether an anarchist; whether coming by reason of any offer, solicitation, promise, or agreement, express or implied, to perform labor in the United States, and what is the alien's condition of health, mental and physical, and whether deformed or crippled, and if so, for how long and from what cause; that it shall further be the duty of the master or com-

manding officer of every vessel taking alien passengers out of the United States, from any port thereof, to file before departure therefrom with the collector of customs of such port a complete list of all such alien passengers taken on board. Such list shall contain the name, age, sex, nationality, residence in the United States, occupation, and the time of last arrival of every such alien in the United States, and no master of any such vessel shall be granted clearance papers for his vessel until he has deposited such list or lists with the collector of customs at the port of departure and made oath that they are full and complete as to the name and other information herein required concerning each alien taken on board his vessel; and any neglect or omission to comply with the requirements of this section shall be punishable as provided in section fifteen of this Act. That the collector of customs with whom any such list has been deposited in accordance with the provisions of this section, shall promptly notify the Commissioner-General of Immigration that such list has been deposited with him as provided, and shall make such further disposition thereof as may be required by regulations to be issued by the Commissioner-General of Immigration with the approval of the Secretary of Commerce and Labor: *Provided*, That in the case of vessels making regular trips to ports of the United States the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may, when expedient, arrange for the delivery of such lists of outgoing aliens at a later date: *Provided further*, That it shall be the duty of the master or commanding officer of any vessel sailing from ports in the Philippine Islands, Guam, Porto Rico, or Hawaii to any port of the United States on the North American Continent to deliver to the immigration officers at the port of arrival lists or manifests made at the time and place of embarkation, giving the names of all aliens on board said vessel. [*34 Stat. L. 901.*]

List of aliens on vessels for Canada and Mexico, see the Act of March 4, 1909, ch. 305, *infra*, p. 179.

SEC. 13. [*Designation, etc., of aliens on lists — certificate of medical, etc., examination.*] That all aliens arriving by water at the ports of the United States shall be listed in convenient groups, and no one list or manifest shall contain more than thirty names. To each alien or head of a family shall be given a ticket on which shall be written his name, a number or letter designating the list in which his name, and so forth, is contained, and his number on said list, for convenience of identification on arrival. Each list or manifest shall be verified by the signature and the oath of affirmation of the master or commanding officer, or the first or second below him in command, taken before an immigration officer at the port of arrival, to the effect that he has caused the surgeon of said vessel sailing therewith to make a physical and oral examination of each of said aliens, and that from the report of said surgeon and from his own investigation he believes that no one of said aliens is an idiot, or imbecile, or a feeble-minded person, or insane person, or a pauper, or is likely to become a public charge, or is afflicted with tuberculosis or with a loathsome or dangerous contagious disease, or is a person who has been convicted of, or who admits having committed a felony or other crime or misdemeanor involving moral turpitude, or is a polygamist or one admitting belief in the practice of polygamy, or an anarchist, or under promise or agreement, express or implied, to perform labor in the United States, or a prostitute, or a woman or girl coming to the United States for the purpose of prostitution, or for any other immoral purpose, and that also, according to the best of his knowledge and belief, the information in said lists or manifests concerning each of said aliens named therein is correct and true in every respect. [*34 Stat. L. 902.*]

"Sec. 4839. The chief executive officer of the Government Hospital for the Insane shall be a superintendent, who shall be appointed by the Secretary of the Interior, shall be entitled to a salary of four thousand dollars a year, and shall give bond for the faithful performance of his duties in such sum and with such securities as may be required by the Secretary of the Interior. The superintendent shall be a well-educated physician, possessing competent experience in the care and treatment of the insane; he shall reside on the premises and devote his whole time to the welfare of the institution; he shall, subject to the approval of the board of visitors, appoint a responsible disbursing agent for the institution, who shall give a bond satisfactory to the Secretary of the Interior, and the said superintendent shall engage and discharge all needful and useful employees in the care of the insane and all laborers on the farm and determine their wages and duties; he shall also be an ex officio secretary of the board of visitors. The said disbursing agent, under the direction of the superintendent, shall have the custody of and pay out all moneys appropriated by Congress for the Government Hospital for the Insane, or otherwise received for the purposes of the hospital, and all moneys received by the superintendent in behalf of the hospital or its patients, and keep an accurate account or accounts thereof. The said disbursing agent shall deposit in the Treasury of the United States, under the direction of the superintendent, all funds now in the hands of the superintendent or which may hereafter be intrusted to him by or for the use of patients, which shall be kept in a separate account; and the said disbursing agent is authorized to draw therefrom, under the direction of the said superintendent, from time to time, under such regulations as the Secretary of the Interior may prescribe, for the use of such patients, but not to exceed for any one patient the amount intrusted to the superintendent on account of such patient. During the time that any pensioner shall be an inmate of the Government Hospital for the Insane, all money due or becoming due upon his or her pension shall be paid by the pension agent to the superintendent or disbursing agent of the hospital, upon a certificate by such superintendent that the pensioner is an inmate of the hospital and is living, and such pension money shall be by said superintendent or disbursing agent disbursed and used, under regulations to be prescribed by the Secretary of the Interior, for the benefit of the pensioner, and, in case of a male pensioner, his wife, minor children, and dependent parents, or, if a female pensioner, her minor children, if any, in the order named, and to pay his or her board and maintenance in the hospital, the remainder of such pension money, if any, to be placed to the credit of the pensioner and to be paid to the pensioner or the guardian of the pensioner in the event of his or her discharge from the hospital; or, in the event of the death of said pensioner while an inmate of said hospital, shall, if a female pensioner, be paid to her minor children, and, in the case of a male pensioner, be paid to his wife, if living; if no wife survives him, then to his minor children; and in case there is no wife nor minor children, then the said unexpended balance to his or her credit shall be applied to the general uses of said hospital: *Provided*, That in the case of any pensioner transferred to the hospital from the National Home for Disabled Volunteer Soldiers any pension money to his credit at said Home at the time of his said transfer shall be transferred with him to said hospital and placed to his credit therein, to be expended as hereinbefore provided, and in case of his return from said hospital to the Home any balance to his credit at said hospital shall in like manner be transferred to said Home, to be expended in accordance with the rules established in regard thereto, and this provision shall also be applicable to all unexpended pension

money heretofore paid to the officers of said hospital on account of pensioners who were but are not now inmates thereof." [35 Stat. L. 592.]

R. S. sec. 4839, hereby amended, is set forth in 3 Fed. Stat. Annot. 272.

SEC. 2. [Repeal.] That all provisions of law inconsistent with this Act are hereby repealed. [35 Stat. L. 593.]

[*National Home for Disabled Volunteers—admission for service in Philippines, China, and Alaska.*] In addition to those classes of discharged soldiers and sailors now admissible to the National Home for Disabled Volunteer Soldiers, all honorably discharged soldiers and sailors who have served in the Philippines, in China, or in Alaska, who are now or who hereafter may become disabled by disease or otherwise, and by reason of such disability are incapable of earning a living, shall hereafter be admitted thereto. [35 Stat. L. 1012.]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

HOT SPRINGS MOUNTAIN RESERVATION.

United States Commissioners' Jurisdiction, see JUDICIAL OFFICERS.

HYDRAULIC MINING.

See *WATERS.*

suffering from tuberculosis or from a loathsome or dangerous contagious disease other than one of quarantinable nature shall be permitted to land for medical treatment thereof in any hospital in the United States, unless with the express permission of the Secretary of Commerce and Labor: *Provided*, That upon the certificate of a medical officer of the United States Public Health and Marine-Hospital Service to the effect that the health or safety of an insane alien would be unduly imperiled by immediate deportation, such alien may, at the expense of the "immigrant fund," be held for treatment until such time as such alien may, in the opinion of such medical officer, be safely deported. [34 Stat. L. 904.]

Alien escaping from vessel.—A master who does all he can to keep on board his vessel alien immigrants who have been ordered to be deported, short of putting them in chains, is

not guilty of an offense under this section by reason of the fact that they escaped. U. S. v. Hemet, 156 Fed. 285.

SEC. 20. [*Deportation within three years after entry — expenses — release pending appeal.*] That any alien who shall enter the United States in violation of law, and such as become public charges from causes existing prior to landing, shall, upon the warrant of the Secretary of Commerce and Labor, be taken into custody and deported to the country whence he came at any time within three years after the date of his entry into the United States. Such deportation, including one-half of the entire cost of removal to the port of deportation, shall be at the expense of the contractor, procurer, or other person by whom the alien was unlawfully induced to enter the United States, or, if that can not be done, then the cost of removal to the port of deportation shall be at the expense of the "immigrant fund" provided for in section one of this Act, and the deportation from such port shall be at the expense of the owner or owners of such vessel or transportation line by which such aliens respectively came: *Provided*, That pending the final disposal of the case of any alien so taken into custody he may be released under a bond in the penalty of not less than five hundred dollars with security approved by the Secretary of Commerce and Labor, conditioned that such alien shall be produced when required for a hearing or hearings in regard to the charge upon which he has been taken into custody, and for deportation if he shall be found to be unlawfully within the United States. [34 Stat. L. 904.]

SEC. 21. [*Return of illegally entered aliens in three years — penalty for refusal of vessel owners, etc. — attendant when necessary.*] That in case the Secretary of Commerce and Labor shall be satisfied that an alien has been found in the United States in violation of this Act, or that an alien is subject to deportation under the provisions of this Act or of any law of the United States, he shall cause such alien within the period of three years after landing or entry therein to be taken into custody and returned to the country whence he came, as provided by section twenty of this Act, and a failure or refusal on the part of the masters, agents, owners, or consignees of vessels to comply with the order of the Secretary of Commerce and Labor to take on board, guard safely, and return to the country whence he came any alien ordered to be deported under the provisions of this Act shall be punished by the imposition of the penalties prescribed in section nineteen of this Act: *Provided*, That when in the opinion of the Secretary of Commerce and Labor the mental or physical condition of such alien is such as to require personal care and attendance, he may employ a suitable person for that purpose, who shall accompany such alien to his or her final destination, and the expense incident to such service shall be defrayed in like manner. [34 Stat. L. 905.]

Second arrest of alien. — The immigration authorities are clothed with executive, and not with judicial, duties. The finding of the secretary of commerce and labor is not a technical *res adjudicata*, and there is nothing in the above section to prevent him from arresting an alien a second time to try the same question again, if he is satisfied that the alien has entered the United States in violation of the Act. This is no violation of the alien's rights, because he was admitted into the United States subject to the condition that he might be deported within three years thereafter if he entered in violation of the Act. *Ex p. Stancampiano*, 161 Fed. 164, 165.

Deportation of alien residents. — Under the above provision of this Act it has been held that an alien who has acquired a domicile in the United States, upon attempting to re-enter the country after a temporary absence in a foreign country, such visit having been made with no intention of abandoning the domicile so acquired, is subject to deportation. *Ex p. Petterson*, (1908) 166 Fed. 536. Here the court said: "The words of the Immigration Act here under consideration are broad, and include every case of an alien who at the time of its passage was out of this country, no matter for what reason, and seeks to come back. In the language of Mr. Justice Harlan

[in *Lem Moon Sing v. U. S.*, 158 U. S. 538, 39 U. S. (L. ed.) 1082, 15 Sup. Ct. Rep. 967, passing upon the Chinese Exclusion Act of Oct. 1, 1888, ch. 1064, 1 Fed. Stat. Annot. 767], 'He is none the less an alien because of his having a commercial domicile in this country.' In the case at bar, as in the *Lem Moon Sing* case, *supra*, the alien was out of this country at the time of the passage of the law."

In *U. S. v. Watchorn*, (1908) 164 Fed. 152, it appeared that the petitioner had lived in the United States for six years without having been naturalized, and had then gone to Italy for a visit. On his return to the United States he was prevented from landing because prior to his first arrival in this country he had been imprisoned in his native country for stabbing a man. It was held that the immigration officers had jurisdiction, notwithstanding the petitioner's prior residence in the United States, he being still an alien, and the petitioner's writ of habeas corpus was dismissed. Rule 4 of the regulations of the bureau of immigration and naturalization of the department of commerce and labor relating to the application of the Immigration Act, was held not to apply to the petitioner.

See *infra*, secs. 25 and 28.

SEC. 22. [*Commissioner-general of immigration — duties defined — rules, etc. — details to secure information — details for foreign service.*] That the Commissioner-General of Immigration, in addition to such other duties as may by law be assigned to him, shall, under the direction of the Secretary of Commerce and Labor, have charge of the administration of all laws relating to the immigration of aliens into the United States, and shall have the control, direction, and supervision of all officers, clerks, and employees appointed thereunder. He shall establish such rules and regulations, prescribe such forms of bond, reports, entries, and other papers, and shall issue from time to time such instructions, not inconsistent with law, as he shall deem best calculated for carrying out the provisions of this Act and for protecting the United States and aliens migrating thereto from fraud and loss, and shall have authority to enter into contract for the support and relief of such aliens as may fall into distress or need public aid; all under the direction or with the approval of the Secretary of Commerce and Labor. And it shall be the duty of the Commissioner-General of Immigration to detail officers of the immigration service from time to time as may be necessary, in his judgment, to secure information as to the number of aliens detained in the penal, reformatory, and charitable institutions (public and private) of the several States and Territories, the District of Columbia, and other territory of the United States and to inform the officers of such institutions of the provisions of law in relation to the deportation of aliens who have become public charges: *Provided*, That the Commissioner-General of Immigration may, with the approval of the Secretary of Commerce and Labor, whenever in his judgment such action may be necessary to accomplish the purposes of this Act, detail immigration officers, and also surgeons, in accordance with the provisions of section seventeen, for service in foreign countries. [34 Stat. L. 905.]

SEC. 23. [*Commissioners of immigration — duties of.*] That the duties of the commissioners of immigration shall be of an administrative character, to be

prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor. [34 Stat. L. 906.]

SEC. 24. [*Immigrant inspectors, etc. — duties — special employees on contract labor — expenses — commissioners of immigration — power to take testimony, etc. — perjury — decisions.*] That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this Act which excludes contract laborers, may employ, without reference to the provisions of the said civil service Act, or to the various Acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. [34 Stat. L. 906.]

The Civil Service Act of Jan. 16, 1883, above referred to, is given in 1 Fed. Stat. Annot. 809; the provision of the Act of Aug. 18,

1894, above referred to, is given in 3 Fed. Stat. Annot. 307; R. S. sec. 5392 is given in 5 Fed. Stat. Annot. 701.

SEC. 25. [*Special inquiry boards — composition — designation of other officials — authority, hearings, etc. — appeals — finality of exclusion decisions.*] That such boards of special inquiry shall be appointed by the commissioner of immigration at the various ports of arrival as may be necessary for the prompt determination of all cases of immigrants detained at such ports under the provisions of law. Each board shall consist of three members, who shall be selected from such of the immigrant officials in the service as the Commissioner-General of Immigration, with the approval of the Secretary of Com-

merce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this Act. [34 Stat. L. 906.]

Finality of decision of secretary.—The decision of the secretary of commerce and labor (under former acts the secretary of the treasury) sustaining the immigration officers in

excluding an alien is final and not reviewable by the courts, even though the alien had formerly resided in the United States. *U. S. v. Watchorn*, (1908) 164 Fed. 152.

SEC. 26. [*Admissions under bond permitted in certain cases.*] That any alien liable to be excluded because likely to become a public charge or because of physical disability other than tuberculosis or a loathsome or dangerous contagious disease may, if otherwise admissible, nevertheless be admitted in the discretion of the Secretary of Commerce and Labor upon the giving of a suitable and proper bond or undertaking, approved by said Secretary in such amount and containing such conditions as he may prescribe, to the people of the United States, holding the United States or any State, Territory, county, municipality, or district thereof harmless against such alien becoming a public charge. The admission of such alien shall be a consideration for the giving of such bond or undertaking. Suit may be brought thereon in the name and by the proper law officers either of the United States Government or of any State, Territory, district, county, or municipality in which such alien becomes a public charge. [34 Stat. L. 907.]

SEC. 27. [*Restriction on compromises, etc.*] That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor. [34 Stat. L. 907.]

SEC. 28. [*Pending suits, etc., not affected.*] That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed

prescribed in detail by regulations prepared, under the direction or with the approval of the Secretary of Commerce and Labor. [34 Stat. L. 906.]

SEC. 24. [*Immigrant inspectors, etc. — duties — special employees on contract labor — expenses — commissioners of immigration — power to take testimony, etc. — perjury — decisions.*] That immigrant inspectors and other immigration officers, clerks, and employees shall hereafter be appointed and their compensation fixed and raised or decreased from time to time by the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration and in accordance with the provisions of the civil-service Act of January sixteenth, eighteen hundred and eighty-three: *Provided*, That said Secretary, in the enforcement of that portion of this Act which excludes contract laborers, may employ, without reference to the provisions of the said civil service Act, or to the various Acts relative to the compilation of the official register, such persons as he may deem advisable and from time to time fix, raise, or decrease their compensation. He may draw from the "immigrant fund" annually fifty thousand dollars or as much thereof as may be necessary, to be expended for the salaries and expenses of persons so employed and for expenses incident to such employment; and the accounting officers of the Treasury shall pass to the credit of the proper disbursing officer expenditures from said sum without itemized account whenever the Secretary of Commerce and Labor certifies that an itemized account would not be for the best interests of the Government: *Provided further*, That nothing herein contained shall be construed to alter the mode of appointing commissioners of immigration at the several ports of the United States as provided by the sundry civil appropriation Act approved August eighteenth, eighteen hundred and ninety-four, or the official status of such commissioners heretofore appointed. Immigration officers shall have power to administer oaths and to take and consider evidence touching the right of any alien to enter the United States, and, where such action may be necessary, to make a written record of such evidence; and any person to whom such an oath has been administered under the provisions of this Act who shall knowingly or wilfully give false evidence or swear to any false statement in any way affecting or in relation to the right of any alien to admission to the United States shall be deemed guilty of perjury and be punished as provided by section fifty-three hundred and ninety-two, United States Revised Statutes. The decision of any such officer, if favorable to the admission of any alien, shall be subject to challenge by any other immigration officer, and such challenge shall operate to take the alien whose right to land is so challenged before a board of special inquiry for its investigation. Every alien who may not appear to the examining immigrant inspector at the port of arrival to be clearly and beyond a doubt entitled to land shall be detained for examination in relation thereto by a board of special inquiry. [34 Stat. L. 906.]

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merce and Labor, shall from time to time designate as qualified to serve on such boards: *Provided*, That at ports where there are fewer than three immigrant inspectors, the Secretary of Commerce and Labor, upon the recommendation of the Commissioner-General of Immigration, may designate other United States officials for service on such boards of special inquiry. Such boards shall have authority to determine whether an alien who has been duly held shall be allowed to land or shall be deported. All hearings before boards shall be separate and apart from the public, but the said boards shall keep a complete permanent record of their proceedings and of all such testimony as may be produced before them; and the decision of any two members of a board shall prevail, but either the alien or any dissenting member of the said board may appeal through the commissioner of immigration at the port of arrival and the Commissioner-General of Immigration to the Secretary of Commerce and Labor, and the taking of such appeal shall operate to stay any action in regard to the final disposal of any alien whose case is so appealed until the receipt by the commissioner of immigration at the port of arrival of such decision which shall be rendered solely upon the evidence adduced before the board of special inquiry: *Provided*, That in every case where an alien is excluded from admission into the United States, under any law or treaty now existing or hereafter made, the decision of the appropriate immigration officers, if adverse to the admission of such alien, shall be final, unless reversed on appeal to the Secretary of Commerce and Labor; but nothing in this section shall be construed to admit of any appeal in the case of an alien rejected as provided for in section ten of this Act. [34 Stat. L. 906.]

Finality of decision of secretary. — The decision of the secretary of commerce and labor (under former acts the secretary of the treasury) sustaining the immigration officers in

excluding an alien is final and not reviewable by the courts, even though the alien had formerly resided in the United States. *U. S. v. Watchorn*, (1908) 164 Fed. 152.

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SEC. 27. [*Restriction on compromises, etc.*] That no suit or proceeding for a violation of the provisions of this Act shall be settled, compromised, or discontinued without the consent of the court in which it is pending, entered of record, with the reasons therefor. [34 Stat. L. 907.]

SEC. 28. [*Pending suits, etc., not affected.*] That nothing contained in this Act shall be construed to affect any prosecution, suit, action, or proceedings brought, or any act, thing, or matter, civil or criminal, done or existing at the time of the taking effect of this Act; but as to all such prosecutions, suits, actions, proceedings, acts, things, or matters the laws or parts of laws repealed

or amended by this Act are hereby continued in force and effect. [34 Stat. L. 907.]

The saving clause of this section by intentment continues in force the Act of 1903 (Act March 3, 1903, ch. 1012, 32 Stat. L. 1213, 10 Fed. Stat. Annot. 102), as it relates to the exclusion of prostitutes from admission to

the United States. A prostitute who entered the country before the adoption of this Act is subject to deportation within three years from the time of entry. *Ex p. Durand*, 160 Fed. 558.

SEC. 29. [*Jurisdiction of federal courts.*] That the circuit and district courts of the United States are hereby invested with full and concurrent jurisdiction of all causes, civil and criminal, arising under any of the provisions of this Act. [34 Stat. L. 907.]

SEC. 30. [*Immigrant station privileges — disposal of — liquors forbidden — receipts.*] That all exclusive privileges of exchanging money, transporting passengers or baggage, or keeping eating houses, and all other like privileges in connection with any United States immigrant station, shall be disposed of after public competition, subject to such conditions and limitations as the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, may prescribe: *Provided*, That no intoxicating liquors shall be sold in any such immigrant station; that all receipts accruing from the disposal of such exclusive privileges as herein provided shall be paid into the Treasury of the United States to the credit of the "immigrant fund" provided for in section one of this Act. [34 Stat. L. 907.]

SEC. 31. [*Local courts granted jurisdiction.*] That for the preservation of the peace and in order that arrests may be made for crimes under the laws of the States and Territories of the United States where the various immigrant stations are located, the officers in charge of such stations, as occasion may require, shall admit therein the proper State and municipal officers charged with the enforcement of such laws, and for the purpose of this section the jurisdiction of such officers and of the local courts shall extend over such stations. [34 Stat. L. 908.]

SEC. 32. [*Entrance of aliens by railroads.*] That the Commissioner-General of Immigration, under the direction or with the approval of the Secretary of Commerce and Labor, shall prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico, so as not to unnecessarily delay, impede, or annoy passengers in ordinary travel between the United States and said countries, and shall have power to enter into contracts with transportation lines for the said purpose. [34 Stat. L. 908.]

SEC. 33. [*Construction of term "United States" — aliens from Canal Zone.*] That for the purpose of this Act the term "United States" as used in the title as well as in the various sections of this Act shall be construed to mean the United States and any waters, territory, or other place subject to the jurisdiction thereof, except the Isthmian Canal Zone: *Provided*, That if any alien shall leave the canal zone and attempt to enter any other place under the jurisdiction of the United States, nothing contained in this Act shall be construed as permitting him to enter under any other conditions than those applicable to all aliens. [34 Stat. L. 908.]

SEC. 34. [*Commissioner of immigration at New Orleans, La.*] That the Commissioner-General of Immigration, with the approval of the Secretary of Commerce and Labor, may appoint a commissioner of immigration to discharge

at New Orleans, Louisiana, the duties now required of other commissioners of immigration at their respective posts. [34 Stat. L. 908.]

SEC. 35. [*Ports of deportation.*] The deportation of aliens arrested within the United States after entry and found to be illegally therein, provided for in this Act, shall be to the trans-Atlantic or trans-Pacific ports from which said aliens embarked for the United States; or, if such embarkation was for foreign contiguous territory, to the foreign port at which said aliens embarked for such territory. [34 Stat. L. 908.]

SEC. 36. [*Deportation unless entering at seaports, etc. — Canada and Mexico borders.*] That all aliens who shall enter the United States except at the seaports thereof, or at such place or places as the Secretary of Commerce and Labor may from time to time designate, shall be adjudged to have entered the country unlawfully and shall be deported as provided by sections twenty and twenty-one of this Act: *Provided*, That nothing contained in this section shall affect the power conferred by section thirty-two of this Act upon the Commissioner-General of Immigration to prescribe rules for the entry and inspection of aliens along the borders of Canada and Mexico. [34 Stat. L. 908.]

Clandestine entry at border port. — An alien who clandestinely has entered the United States from Canada at a place designated as a border port of entry, without submitting himself to the proper authorities for inspection in accordance with the rules of the com-

missioner general of immigration, is unlawfully within the United States, and his deportation properly is directed, as prescribed by the above section. *Ex p. Hamaguchi*, 161 Fed. 185.

SEC. 37. [*Families of aliens, having contagious diseases — temporary detention — admission.*] That whenever an alien shall have taken up his permanent residence in this country, and shall have filed his declaration of intention to become a citizen, and thereafter shall send for his wife, or minor children to join him, if said wife or any of said children shall be found to be affected with any contagious disorder, such wife or children shall be held, under such regulations as the Secretary of Commerce and Labor shall prescribe, until it shall be determined whether the disorder will be easily curable, or whether they can be permitted to land without danger to other persons; and they shall not be either admitted or deported until such facts have been ascertained; and if it shall be determined that the disorder is easily curable or that they can be permitted to land without danger to other persons, they shall, if otherwise admissible, thereupon be admitted. [34 Stat. L. 908.]

SEC. 38. [*Anarchists, etc., prohibited entry — enforcement — penalty for assisting illegal entries.*] That no person who disbelieves in or who is opposed to all organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to all organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States or of any other organized government, because of his or their official character, shall be permitted to enter the United States or any territory or place subject to the jurisdiction thereof. This section shall be enforced by the Secretary of Commerce and Labor under such rules and regulations as he shall prescribe. That any person who knowingly aids or assists any such person to enter the United States or any territory or place subject to the jurisdiction thereof, or who conspires or conspires with any person or persons to allow, procure, or permit any such person to enter therein, except pursuant to such rules and regulations

made by the Secretary of Commerce and Labor shall be fined not more than five thousand dollars, or imprisonment for not more than five years, or both. [34 Stat. L. 908.]

SEC. 39. [*Joint commission on immigration — powers, duties, etc. — report — expenses — international conference may be called — subjects for consideration.*] That a commission is hereby created, consisting of three Senators, to be appointed by the President of the Senate, and three members of the House of Representatives, to be appointed by the Speaker of the House of Representatives, and three persons, to be appointed by the President of the United States. Said commission shall make full inquiry, examination, and investigation by subcommittee or otherwise into the subject of immigration. For the purpose of said inquiry, examination, and investigation, said commission is authorized to send for persons and papers, make all necessary travel, either in the United States or any foreign country, and, through the chairman of the commission or any member thereof to administer oaths and to examine witnesses and papers respecting all matters pertaining to the subject, and to employ necessary clerical and other assistance. Said commission shall report to the Congress the conclusions reached by it and make such recommendations as in its judgment may seem proper. Such sums of money as may be necessary for the said inquiry, examination, and investigation are hereby appropriated and authorized to be paid out of the "immigrant fund" on the certificate of the chairman of said commission, including all expenses of the commissioners and a reasonable compensation, to be fixed by the President of the United States, for those members of the commission who are not members of Congress; and the President of the United States is also authorized, in the name of the Government of the United States, to call, in his discretion, an international conference, to assemble at such point as may be agreed upon, or to send special commissioners to any foreign country, for the purpose of regulating by international agreement, subject to the advice and consent of the Senate of the United States, the immigration of aliens to the United States; of providing for the mental, moral and physical examination of such aliens by American consuls or other officers of the United States Government at the ports of embarkation, or elsewhere; of securing the assistance of foreign governments in their own territories to prevent the evasion of the laws of the United States governing immigration to the United States; of entering into such international agreements as may be proper to prevent the immigration of aliens who, under the laws of the United States, are or may be excluded from entering the United States, and of regulating any matters pertaining to such immigration. [34 Stat. L. 909.]

SEC. 40. [*Bureau of immigration and naturalization — information division created — duties, etc. — agents of states, etc.*] Authority is hereby given the Commissioner-General of Immigration to establish, under the direction and control of the Secretary of Commerce and Labor, a division of information in the Bureau of Immigration and Naturalization; and the Secretary of Commerce and Labor shall provide such clerical assistance as may be necessary. It shall be the duty of said division to promote a beneficial distribution of aliens admitted into the United States among the several States and Territories desiring immigration. Correspondence shall be had with the proper officials of the States and Territories, and said division shall gather from all available sources useful information regarding the resources, products, and physical characteristics of each State and Territory, and shall publish such information in different languages and distribute the publications among all admitted aliens who

may ask for such information at the immigrant stations of the United States and to such other persons as may desire the same. When any State or Territory appoints and maintains an agent or agents to represent it at any of the immigrant stations of the United States, such agents shall, under regulations prescribed by the Commissioner-General of Immigration, subject to the approval of the Secretary of Commerce and Labor, have access to aliens who have been admitted to the United States for the purpose of presenting, either orally or in writing, the special inducements offered by such State or Territory to aliens to settle therein. While on duty at any immigrant station such agents shall be subject to all the regulations prescribed by the Commissioner-General of Immigration, who, with the approval of the Secretary of Commerce and Labor, may, for violation of any such regulations, deny to the agent guilty of such violation any of the privileges herein granted. [34 Stat. L. 909.]

SEC. 41. [*Foreign officials, etc.*] That nothing in this Act shall be construed to apply to accredited officials of foreign governments nor to their suites, families, or guests. [34 Stat. L. 910.]

SEC. 42. [*Immigrant passengers—accommodations for—on steamships—limitations—on sailing vessels—children, etc.—punishment for violations—in effect Jan. 1, 1909.*] It shall not be lawful for the master of a steamship or other vessel whereon immigrant passengers, or passengers other than cabin passengers, have been taken at any port or place in a foreign country or dominion (ports and places in foreign territory contiguous to the United States excepted) to bring such vessel and passengers to any port or place in the United States unless the compartments, spaces, and accommodations hereinafter mentioned have been provided, allotted, maintained, and used for and by such passengers during the entire voyage; that is to say, in a steamship, the compartments or spaces, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow for each and every passenger carried or brought therein eighteen clear superficial feet of deck allotted to his or her use, if the compartment or space is located on the main deck or on the first deck next below the main deck of the vessel, and twenty clear superficial feet of deck allotted to his or her use for each passenger carried or brought therein if the compartment or space is located on the second deck below the main deck of the vessel: *Provided*, That if the height between the lower passenger deck and the deck immediately above it is less than seven feet, or if the apertures (exclusive of the side scuttles) through which light and air are admitted together to the lower passenger deck are less in size than in the proportion of three square feet to every one hundred superficial feet of that deck, the ship shall not carry a greater number of passengers on that deck than in the proportion of one passenger to every thirty clear superficial feet thereof. It shall not be lawful to carry or bring passengers on any deck other than the decks above mentioned. And in sailing vessels such passengers shall be carried or brought only on the deck (not being an orlop deck) that is next below the main deck of the vessel, or in a poop or deck house constructed on the main deck; and the compartment or space, unobstructed by cargo, stores, or goods, shall be of sufficient dimensions to allow one hundred and ten cubic feet for each and every passenger brought therein. And such passengers shall not be carried or brought in any between decks, nor in any compartment, space, poop, or deck house, the height of which from deck to deck is less than six feet. In computing the number of such passengers carried or brought in any vessel, children under one year of age shall not be included, and two children between one and eight years of age shall

be counted as one passenger; and any person brought in any such vessel who shall have been, during the voyage, taken from any other vessel wrecked or in distress on the high seas, or have been picked up at sea from any boat, raft, or otherwise, shall not be included in such computation. The master of a vessel coming to a port or place in the United States in violation of either of the provisions of this section shall be deemed guilty of a misdemeanor; and if the number of passengers other than cabin passengers carried or brought in the vessel, or in any compartment, space, poop, or deck house thereof, is greater than the number allowed to be carried or brought therein, respectively, as hereinbefore prescribed, the said master shall be fined fifty dollars for each and every passenger in excess of the proper number, and may also be imprisoned not exceeding six months. This section shall take effect on January first, nineteen hundred and nine. [34 Stat. L. 910.]

Repeal. — See note under sec. 44, *infra*.

SEC. 43. [*Repeal provisions — Chinese exclusion, etc.*] That the Act of March third, nineteen hundred and three, being an Act to regulate the immigration of aliens into the United States, except section thirty-four thereof, and the Act of March twenty-second, nineteen hundred and four, being an Act to extend the exemption from head tax to citizens of Newfoundland entering the United States, and all Acts and parts of Acts inconsistent with this Act are hereby repealed: *Provided*, That that Act shall not be construed to repeal, alter, or amend existing laws relating to the immigration or exclusion of Chinese persons or persons of Chinese descent, nor to repeal, alter, or amend section six, chapter four hundred and fifty-three, third session Fifty-eighth Congress, approved February sixth, nineteen hundred and five, or, prior to January first, nineteen hundred and nine, section one of the Act approved August second, eighteen hundred and eighty-two, entitled "An Act to regulate the carriage of passengers by sea." [34 Stat. L. 911.]

The Act of March 3, 1903, is given in 10 Fed. Stat. Annot. 101. The Act of March 22, 1904, amends section 1 of the Act of March 3, 1903. See 10 Fed. Stat. Annot. 103. Section 6 of the Act of Feb. 6, 1905, is given in 10 Fed. Stat. Annot. 267; section 1 of the Act of Aug. 2, 1882, is given in 1 Fed. Stat. Annot. 720.

Repeal. — See note under sec. 44, *infra*.

SEC. 44. [*Effect — exceptions.*] That this Act shall take effect and be enforced from and after July first, nineteen hundred and seven: *Provided, however*, That section thirty-nine of this Act and the last proviso of section one shall take effect upon the passage of this Act and section forty-two on January first, nineteen hundred and nine. [34 Stat. L. 911.]

Repeal. — Section 42 of this Act "and so much of sections forty-three and forty-four" "as provides for the repeal of section one of the Passenger Act of eighteen hundred and eighty-two" are repealed by sec. 2 of the Act

Chinese. — The proviso of the above section does not exempt Chinese persons from the operation of section 2 of this Act, and such persons who are suffering from the contagious disease trachoma are properly excluded though they would otherwise be entitled to admission under the Chinese Exclusion Acts. *Ex p. Lee Sher Wing*, (1908) 164 Fed. 506.

of Dec. 19, 1908, ch. 6, 35 Stat. L. 584, given *ante*, under the title CARRIERS, p. 58. For "the Passenger Act of 1882" see 1 Fed. Stat. Annot. 720.

[SEC. 1.] [*Head tax, etc., to be covered into the Treasury.*] That on and after July first, nineteen hundred and nine, all head tax collected pursuant to the provisions of section one of the said Act of February twentieth, nineteen hundred and seven, together with all fines, rentals collected, and moneys received

from other sources under the laws regulating the immigration of aliens into the United States, shall be covered into the Treasury to the credit of miscellaneous receipts. [35 Stat. L. 982.]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

Section 1 of the Act of Feb. 20, 1907, above referred to, is given *supra*, p. 161.

An Act Relative to outward alien manifests on certain vessels.

[Act of March 4, 1909, ch. 305, 35 Stat. L. 1060.]

[*List of aliens not required on vessels for Canada and Mexico.*] That until the provisions of section twelve of the immigration Act of February twentieth, nineteen hundred and seven, relating to outward alien manifests, shall be made applicable to passengers going out of the United States to Canada by land carriage, said provisions shall not apply to passengers going by vessels employed exclusively in the trade between the ports of the United States and the Dominion of Canada and the Republic of Mexico. [35 Stat. L. 1060.]

IMPORTS AND EXPORTS.

Act of Feb. 9, 1909, Ch. 100.

Sec. 1. Opium — Importation Prohibited.

2. Penalty for Violation — Possession, Proof of Guilt.

CROSS-REFERENCE.

See also *CUSTOMS DUTIES*.

An Act To prohibit the importation and use of opium for other than medicinal purposes.

[Act of Feb. 9, 1909, ch. 100, 35 Stat. L. 614.]

[SEC. 1.] [*Opium — importation prohibited.*] That after the first day of April, nineteen hundred and nine, it shall be unlawful to import into the United States opium in any form or any preparation or derivative thereof: *Provided*, That opium and preparations and derivatives thereof, other than smoking opium or opium prepared for smoking, may be imported for medicinal purposes only, under regulations which the Secretary of the Treasury is hereby authorized to prescribe, and when so imported shall be subject to the duties which are now or may hereafter be imposed by law. [35 Stat. L. 614.]

SEC. 2. [*Penalty for violation — possession, proof of guilt.*] That if any person shall fraudulently or knowingly import or bring into the United States, or assist in so doing, any opium or any preparation or derivative thereof contrary to law, or shall receive, conceal, buy, sell, or in any manner facilitate the transportation, concealment, or sale of such opium or preparation or derivative thereof after importation, knowing the same to have been imported contrary to law, such opium or preparation or derivative thereof shall be forfeited and shall be destroyed, and the offender shall be fined in any sum not exceeding five thousand dollars nor less than fifty dollars, or by imprisonment for any time not exceeding two years, or both. Whenever, on trial for a violation of this section, the defendant is shown to have, or to have had, possession of such opium or preparation or derivative thereof, such possession shall be deemed sufficient evidence to authorize conviction unless the defendant shall explain the possession to the satisfaction of the jury. [35 Stat. L. 614.]

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Joint Resolution Extending the tribal existence and government of the Five Civilized Tribes of Indians in the Indian Territory.

[*Res. of March 2, 1907, No. 7, 34 Stat. L. 822.*]

[*Five Civilized Tribes in Indian Territory — tribal government, etc., continued.*] That the tribal existence and present tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes or nations of Indians in the Indian Territory are hereby continued in full force and effect for all purposes under existing laws until all property of such tribes, or the proceeds thereof, shall be distributed among the individual members of said tribes unless hereafter otherwise provided by law. [*34 Stat. L. 822.*]

See the Act of April 26, 1906, ch. 1876, *infra*, p. 190, which provides "for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory."

This resolution is quoted in the opinion in *U. S. v. Cherokee Nation*, (1906) 202 U. S. 131.

An Act Providing for the issuance of patents for lands allotted to Indians under the Moses agreement of July seventh, eighteen hundred and eighty-three.

[*Act of March 3, 1906, ch. 629, 34 Stat. L. 55.*]

[**SEC. 1.**] [*Columbia and Colville reservations, Wash. — patents to Indians for allotted lands in — lands held in trust for ten years — patent in fee at expiration — prior conveyance, etc., by allottee void.*] That the Secretary of the Interior be, and he is hereby, authorized and directed to issue patents to such Indians as have been allotted land under and by virtue of the agreement concluded July seventh, eighteen hundred and eighty-three, by and between the Secretary of the Interior and the Commissioner of Indian Affairs and Chief Moses and other Indians of the Columbia and Colville reservations, commonly known as the Moses agreement, accepted, ratified, and confirmed by the Act of Congress approved July fourth, eighteen hundred and eighty-four (Twenty-third Statutes, pages seventy-nine and eighty), which patents shall be of legal effect and declare that the United States does and will hold the lands thus allotted for the period of ten years from the date of the approval of this Act in trust for the sole use and benefit of the Indian to whom such allotment was made, or in case of his decease, either prior or subsequent to the issuance of such patent, of his heirs, according to the laws of the State of Washington, and that

at the expiration of said period the United States will convey the same by patent to the said Indian, or his heirs as aforesaid, in fee, discharged of said trust and free of all charge or incumbrance whatsoever. And if any conveyance shall be made of the lands so held in trust by any allottee or his heirs, or any contract made touching the same, except as hereinafter provided, before the expiration of the time above mentioned, such conveyance or contract shall be absolutely null and void. [34 Stat. L. 55.]

SEC. 2. [*Allottees may sell lands — restriction — sales by heirs — approval by Secretary of the Interior — taxation.*] That any allottee to whom any trust patent shall be issued under the provisions of the foregoing section may sell and convey all the lands covered thereby, except eighty acres, under rules and regulations prescribed by the Secretary of the Interior. And the heirs of any deceased Indian to whom a patent shall be issued under said section may in like manner sell and convey all of such inherited allotment except eighty acres, but in case of minor heirs their interests shall be sold only by a guardian duly appointed by the proper court upon the order of such court, made upon petition filed by the guardian, but all such conveyances shall be subject to the approval of the Secretary of the Interior, and when so approved shall convey a full title to the purchaser the same as if a final patent without restrictions upon alienation had been issued to the allottee. All allotted land alienated under the provisions of this Act shall thereupon be subject to taxation under the laws of the State of Washington. [34 Stat. L. 55.]

An Act For the establishment of town sites, and for the sale of lots within the common lands of the Kiowa, Comanche, and Apache Indians in Oklahoma.

[Act of March 20, 1906, ch. 1125, 34 Stat. L. 80.]

[SEC. 1.] [*Oklahoma — town sites authorized on Kiowa, etc., lands.*] That the Secretary of the Interior is hereby authorized to set aside and reserve from allotment or leasing such of the common grazing lands of said tribes as he shall deem necessary for the establishment of town sites. [34 Stat. L. 80.]

SEC. 2. [*Surveys, etc. — land reserved for school purposes — sale, etc., of intoxicants prohibited — penalty.*] That the lands so set aside and reserved shall be laid off and surveyed into lots, blocks, streets, and alleys, under rules and regulations to be prescribed by said Secretary; business lots to be twenty-five feet wide and residence lots fifty feet wide. The lots in said town sites shall be appraised, and after due advertisement shall be sold at public auction to the highest bidder, at not less than the appraised value, under such rules and regulations as the Secretary may prescribe: *Provided*, That in each of said town sites there shall be reserved from sale or other disposition, at the discretion of the Secretary, not to exceed one block for the establishment of common schools under the laws of Oklahoma: *Provided further*, That no person shall sell or give away any intoxicating liquor or other intoxicants upon any of the lands sold and conveyed by the provisions of this Act, and any person so selling or giving away liquor or other intoxicants shall be guilty of a misdemeanor and shall be punished, upon conviction, by imprisonment for not more than two years and by a fine of not more than one thousand dollars. [34 Stat. L. 80.]

SEC. 3. [*Expense of surveys, etc. — disposal of net proceeds.*] That the surveys, appraisals, and sales herein provided for shall be made by such person or persons connected with the Indian service as the Secretary of the Interior

may designate, and all of the expenses connected with the survey, appraisal, and sale of the lots shall be paid out of the proceeds of the sales. The net proceeds of the sales shall be deposited in the Treasury to the credit of the Kiowa, Comanche, and Apache Indians, with interest to be paid them at the rate of four per centum per annum, or shall be paid to them per capita, in the discretion of the Secretary of the Interior. [34 Stat. L. 80.]

An Act To authorize the sale and disposition of surplus or unallotted lands of the diminished Colville Indian Reservation, in the State of Washington, and for other purposes

[Act of March 22, 1906, ch. 1126, 34 Stat. L. 80.]

[SEC. 1.] [*Colville Indian Reservation, Wash. — sale, etc., of unallotted lands in.*] That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the diminished Colville Indian Reservation, in the State of Washington. [34 Stat. L. 80.]

SEC. 2. [*Allotments.*] That as soon as the lands embraced within the diminished Colville Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Colville Indian Reservation, to each man, woman, and child eighty acres, and, upon the approval of such allotments by the Secretary of the Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States. [34 Stat. L. 80.]

SEC. 3. [*Classification, etc., of surplus lands — opening to settlement — minimum price — payments — forfeiture — sale of remaining lands.*] That upon the completion of said allotments to said Indians the residue or surplus lands — that is, lands not allotted or reserved for Indian school, agency, or other purposes — of the said diminished Colville Indian Reservation shall be classified under the direction of the Secretary of the Interior as irrigable lands, grazing lands, timber lands, mineral lands, or arid lands, and shall be appraised under their appropriate classes by legal subdivisions, with the exception of the lands classed as mineral lands, which need not be appraised, and which shall be disposed of under the general mining laws of the United States, and, upon completion of the classification and appraisal, such surplus lands shall be open to settlement and entry under the provisions of the homestead laws at not less than their appraised value in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisal, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payments theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided further*, That the lands remaining undis-

posed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price. [34 Stat. L. 80.]

SEC. 4. [*Proclamation — homestead rights of soldiers and sailors not affected.*] That the said lands shall be opened to settlement and entry by proclamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation: *Provided*, That the rights of honorably discharged Union soldiers and sailors of the late civil and Spanish wars, as defined and described in sections twenty-three hundred and four and twenty-three hundred and five of the Revised Statutes, as amended by the Act of March first, nineteen hundred and one, shall not be abridged. [34 Stat. L. 81.]

R. S. secs. 2304, 2305, as amended, are set forth in 6 Fed. Stat. Annot. 322, 323.

SEC. 5. [*Sale of timber lands.*] That all of said lands returned and classified as timber lands shall be sold and disposed of by the Secretary of the Interior under sealed bids to the highest bidder for cash or at public auction, as the Secretary of the Interior may determine, and under such rules and regulations as he may prescribe. [34 Stat. L. 81.]

SEC. 6. [*Net proceeds to credit of Indians — per capita payments.*] That the proceeds not including fees and commissions arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisalment, and sales, and surveys, herein provided, deposited in the Treasury of the United States to the credit of the Colville and confederated tribes of Indians belonging and having tribal rights on the Colville Indian Reservation, in the State of Washington, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians, and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horseshoes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if, in the opinion of the Secretary of the Interior, such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise. [34 Stat. L. 81.]

SEC. 7. [*Lands reserved for agency, school, etc., purposes — restriction.*] That any of said lands necessary for agency, school, and religious purposes, and any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved from the operation of this Act: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be made by the Indian agent of the Colville Agency, under the direction of the Secretary of the Interior and subject to his approval. [34 Stat. L. 82.]

SEC. 8. [*Regulations, etc.*] That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this Act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this Act, until all of the lands shall have been disposed of. [34 Stat. L. 82.]

SEC. 9. [*Nonresponsibility of the United States.*] That nothing in this Act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this Act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided. [34 Stat. L. 82.]

SEC. 10. [*Appropriation — reimbursement — use of proceeds of first sales.*] That to enable the Secretary of the Interior to survey, allot, classify, appraise, and conduct the sale and entry of said lands as in this Act provided the sum of seventy-five thousand dollars, or so much thereof as may be necessary, is hereby appropriated, from any money in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this Act. [34 Stat. L. 82.]

SEC. 11. [*Lands reserved for town sites.*] That nothing contained in this Act shall prohibit the Secretary of the Interior from reserving from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes, as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians, as provided in section six of this Act. [34 Stat. L. 82.]

SEC. 12. [*Irrigable lands reserved — sale of — payments.*] That if any of the lands of said diminished Colville Indian Reservation can be included in any feasible irrigation project under the reclamation Act of June seventeenth, nineteen hundred and two, the Secretary of the Interior is authorized to withhold said lands from disposition under this Act and to dispose of them under the said reclamation Act, and the charges provided for by said reclamation Act shall be in addition to the appraised value of said lands fixed as hereinbefore provided and shall be paid in annual installments as required under the said reclamation Act, and the amounts to be paid for the land, according to appraisal, shall be credited to the fund herein established for the benefit of the Colville Indians. [34 Stat. L. 82.]

The Reclamation Act of June 17, 1902, above referred to, is given in 7 Fed. Stat. Annot. 1098.

An Act To provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes.

[Act of April 26, 1906, ch. 1876, 34 Stat. L. 137.]

[SEC. 1.] [*Five Civilized Tribes — final disposition of affairs of — enrolment rules — applications filed prior to Dec. 1, 1905.*] That after the approval of this Act no person shall be enrolled as a citizen or freedman of the

Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes of Indians in the Indian Territory, except as herein otherwise provided, unless application for enrollment was made prior to December first, nineteen hundred and five, and the records in charge of the Commissioner to the Five Civilized Tribes shall be conclusive evidence as to the fact of such application; and no motion to reopen or reconsider any citizenship case, in any of said tribes, shall be entertained unless filed with the Commissioner to the Five Civilized Tribes within sixty days after the date of the order or decision sought to be reconsidered except as to decisions made prior to the passage of this Act, in which cases such motion shall be made within sixty days after the passage of this Act: *Provided*, That the Secretary of the Interior may enroll persons whose names appear upon any of the tribal rolls and for whom the records in charge of the Commissioner to the Five Civilized Tribes show application was made prior to December first, nineteen hundred and five, and which was not allowed solely because not made within the time prescribed by law. [34 Stat. L. 137.]

SEC. 2. [*Minor children — status of illegitimate children — payment to Cherokees — equalization of Creek allotments continued — completion of rolls — filing enrolment applications restricted.*] That for ninety days after approval hereof applications shall be received for enrollment of children who were minors living March fourth, nineteen hundred and six, whose parents have been enrolled as members of the Choctaw, Chickasaw, Cherokee, or Creek tribes, or have applications for enrollment pending at the approval hereof, and for the purpose of enrollment under this section illegitimate children shall take the status of the mother, and allotments shall be made to children so enrolled. If any citizen of the Cherokee tribe shall fail to receive the full quantity of land to which he is entitled as an allotment, he shall be paid out of any of the funds of such tribe a sum equal to twice the appraised value of the amount of land thus deficient. The provisions of section nine of the Creek agreement ratified by Act approved March first, nineteen hundred and one, authorizing the use of funds of the Creek tribe for equalizing allotments, are hereby restored and reenacted, and after the expiration of nine months from the date of the original selection of an allotment of land in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, and after the expiration of six months from the passage of this Act as to allotments heretofore made, no contest shall be instituted against such allotment: *Provided*, That the rolls of the tribes affected by this Act shall be fully completed on or before the fourth day of March, nineteen hundred and seven, and the Secretary of the Interior shall have no jurisdiction to approve the enrollment of any person after said date: *Provided further*, That nothing herein shall be construed so as hereafter to permit any person to file an application for enrollment or to be entitled to enrollment in any of said tribes, except for minors the children of Indians by blood, or of freedmen members of said tribes, or of Mississippi Choctaws identified under the fourteenth article of the treaty of eighteen hundred and thirty, as herein otherwise provided, and the fact that the name of a person appears on the tribal roll of any of said tribes shall not be construed to be an application for enrollment. [34 Stat. L. 137, 342.]

This section was amended to read as above by the Indian Appropriation Act of June 21, 1906, ch. 3504. The amendment consisted of substituting the last proviso above given for two provisos which originally closed the section.

Effect upon courts. — The lands involved in the present Act were public lands belonging to the Choctaw and Chickasaw Nations, and not to the individual members thereof. The

disposition of such lands falls within the legislative domain, the power of Congress is supreme, and its action is conclusive upon the courts. Hence, after the completion of the enrolment, and after the date when by the above section the secretary of the interior is forbidden to approve any enrolment, the courts have no power to require such secretary to correct errors alleged to have been made in placing the complainants' names on

the rolls of freedmen instead of on the rolls of citizens of the tribes, whereby such complainants would receive smaller allotments of

land than they would receive were they enrolled as citizens. *Ligon v. Johnston*, (C. C. A. 1906) 164 Fed. 670.

SEC. 3. [*Approved roll of Creek freedmen — Cherokee freedmen — Choctaw and Chickasaw freedmen homestead allotments.*] That the approved roll of Creek freedmen shall include only those persons whose names appear on the roll prepared by J. W. Dunn, under authority of the United States prior to March fourteenth, eighteen hundred and sixty-seven, and their descendants born since said roll was made, and those lawfully admitted to citizenship in the Creek Nation subsequent to the date of the preparation of said roll, and their descendants born since such admission, except such, if any, as have heretofore been enrolled and their enrollment approved by the Secretary of the Interior. The roll of Cherokee freedmen shall include only such persons of African descent, either free colored or the slaves of Cherokee citizens and their descendants, who were actual personal bona fide residents of the Cherokee Nation August eleventh, eighteen hundred and sixty-six, or who actually returned and established such residence in the Cherokee Nation on or before February eleventh, eighteen hundred and sixty-seven; but this provision shall not prevent the enrollment of any person who has heretofore made application to the Commission to the Five Civilized Tribes or its successor and has been adjudged entitled to enrollment by the Secretary of the Interior. Lands allotted to freedmen of the Choctaw and Chickasaw tribes shall be considered "homesteads," and shall be subject to all the provisions of this or any other Act of Congress applicable to homesteads of citizens of the Choctaw and Chickasaw tribes. [34 Stat. L. 138.]

SEC. 4. [*Citizens by blood — transfer to roll of, restricted.*] That no name shall be transferred from the approved freedmen, or any other approved rolls of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, to the roll of citizens by blood, unless the records in charge of the Commissioner to the Five Civilized Tribes show that application for enrollment as a citizen by blood was made within the time prescribed by law by or for the party seeking the transfer, and said records shall be conclusive evidence as to the fact of such application, unless it be shown by documentary evidence that the Commission to the Five Civilized Tribes actually received such application within the time prescribed by law. [34 Stat. L. 138.]

SEC. 5. [*Patents, etc., to issue in name of allottee — all patents, etc., recorded convey legal title — pending contests not affected.*] That all patents or deeds to allottees in any of the Five Civilized Tribes to be hereafter issued shall issue in the name of the allottee, and if any such allottee shall die before such patent or deed becomes effective, the title to the lands described therein shall inure to and vest in his heirs, and in case any allottee shall die after restrictions have been removed, his property shall descend to his heirs or his lawful assigns, as if the patent or deed had issued to the allottee during his life, and all patents heretofore issued, where the allottee died before the same became effective, shall be given like effect; and all patents or deeds to allottees and other conveyances affecting lands of any of said tribes shall be recorded in the office of the Commissioner to the Five Civilized Tribes, and when so recorded shall convey legal title, and shall be delivered under the direction of the Secretary of the Interior to the party entitled to receive the same: *Provided*, The provisions of this section shall not affect any rights involved in contests pending before the Commissioner to the Five Civilized Tribes or the Department of the Interior at the date of the approval of this Act. [34 Stat. L. 138.]

SEC. 6. [*Removal of principal chief for nonperformance of duties — approval of conveyances on failure of chief to execute — approval by principal chief of Seminoles.*] That if the principal chief of the Choctaw, Cherokee, Creek, or Seminole tribe, or the governor of the Chickasaw tribe shall refuse or neglect to perform the duties devolving upon him, he may be removed from office by the President of the United States, or if any such executive become permanently disabled, the office may be declared vacant by the President of the United States, who may fill any vacancy arising from removal, disability or death of the incumbent, by appointment of a citizen by blood of the tribe. If any such executive shall fail, refuse or neglect, for thirty days after notice that any instrument is ready for his signature, to appear at a place to be designated by the Secretary of the Interior and execute the same, such instrument may be approved by the Secretary of the Interior without such execution, and when so approved and recorded shall convey legal title, and such approval shall be conclusive evidence that such executive or chief refused or neglected after notice to execute such instrument. *Provided*, That the principal chief of the Seminole Nation is hereby authorized to execute the deeds to allottees in the Seminole Nation prior to the time when the Seminole government shall cease to exist. [34 Stat. L. 139.]

SEC. 7. [*Segregation of specified Choctaw lands — exceptions — appraisal and sale of pine timber, etc.*] That the Secretary of the Interior shall, by written order, within ninety days from the passage of this Act, segregate and reserve from allotment sections one, two, three, four, five, nine, ten, eleven, twelve, thirteen, fourteen, fifteen, the east half of section sixteen, and the northeast quarter of section six, in township nine south, range twenty-six east, and sections five, six, seven, eight, seventeen, eighteen, and the west half of section sixteen, in township nine south, range twenty-seven east, Choctaw Nation, Indian Territory, except such portions of said lands upon which substantial, permanent, and valuable improvements were erected and placed prior to the passage of this Act and not for speculation, but by members and freedmen of the tribes actually themselves and for themselves for allotment purposes, and where such identical members or freedmen of said tribes now desire to select same as portions of their allotments, and the action of the Secretary of the Interior in making such segregation shall be conclusive. The Secretary of the Interior shall also cause to be estimated and appraised the standing pine timber on all of said land, and the land segregated shall not be allotted, except as hereinbefore provided, to any member or freedman of the Choctaw and Chickasaw tribes. Said segregated land and the pine timber thereon shall be sold and disposed of at public auction, or by sealed bids for cash, under the direction of the Secretary of the Interior. [34 Stat. L. 139.]

SEC. 8. [*Land-office records transferred to clerk of district court — transcripts — fees.*] That the records of each of the land offices in the Indian Territory, should such office be hereafter discontinued, shall be transferred to and kept in the office of the clerk of the United States court in whose district said records are now located. The officer having custody of any of the records pertaining to the enrollment of the members of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, and the disposition of the land and other property of said tribes, upon proper application and payment of such fees as the Secretary of the Interior may prescribe, may make certified copies of such records, which shall be evidence equally with the originals thereof; but fees shall not be demanded for such authenticated copies as may be required by officers of any branch of the Government nor for such unverified copies as such officer, in his

discretion, may deem proper to furnish. Such fees shall be paid to bonded officers or employees of the Government, designated by the Secretary of the Interior, and the same or so much thereof as may be necessary may be expended under the direction of the Secretary of the Interior for the purposes of this section, and any unexpended balance shall be deposited in the Treasury of the United States, as are other public moneys. [34 Stat. L. 139.]

SEC. 9. [*Payments to loyal Seminoles ratified — recoveries by individuals not barred — Charles F. Winton — claims of estate of, to be heard by Court of Claims.*] The disbursements, in the sum of one hundred and eighty-six thousand dollars, to and on account of the loyal Seminole Indians, by James E. Jenkins, special agent appointed by the Secretary of the Interior, and by A. J. Brown as administrator de bonis non, under an Act of Congress approved May thirty-first, nineteen hundred, appropriating said sum, be, and the same are hereby, ratified and confirmed: *Provided*, That this shall not prevent any individual from bringing suit in his own behalf to recover any sum really due him. That the Court of Claims is hereby authorized and directed to hear, consider, and adjudicate the claims against the Mississippi Choctaws of the estate of Charles F. Winton, deceased, his associates and assigns, for services rendered and expenses incurred in the matter of the claims of the Mississippi Choctaws to citizenship in the Choctaw Nation, and to render judgment thereon on the principle of quantum meruit, in such amount or amounts as may appear equitable or justly due therefor, which judgment, if any, shall be paid from any funds now or hereafter due such Choctaws by the United States. Notice of such suit shall be served on the governor of the Choctaw Nation, and the Attorney-General shall appear and defend the said suit on behalf of said Choctaws. [34 Stat. L. 140.]

SEC. 10. [*Tribal schools transferred to control of secretary of interior — distribution of school funds — use of remainder of appropriated funds — use of surplus fees, etc.*] That the Secretary of the Interior is hereby authorized and directed to assume control and direction of the schools in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, with the lands and all school property pertaining thereto, March fifth, nineteen hundred and six, and to conduct such schools under rules and regulations to be prescribed by him, retaining tribal educational officers, subject to dismissal by the Secretary of the Interior, and the present system so far as practicable, until such time as a public school system shall have been established under Territorial or State government, and proper provision made thereunder for the education of the Indian children of said tribes, and he is hereby authorized and directed to set aside a sufficient amount of any funds, invested or otherwise, in the Treasury of the United States, belonging to said tribes, including the royalties on coal and asphalt in the Choctaw and Chickasaw nations, to defray all the necessary expenses of said schools, using, however, only such portion of said funds of each tribe as may be requisite for the schools of that tribe, not exceeding in any one year for the respective tribes the amount expended for the scholastic year ending June thirtieth, nineteen hundred and five; and he is further authorized and directed to use the remainder, if any, of the funds appropriated by the Act of Congress approved March third, nineteen hundred and five, "for the maintenance, strengthening, and enlarging of the tribal schools of the Cherokee, Creek, Choctaw, Chickasaw, and Seminole nations," unexpended March fourth, nineteen hundred and six, including such fees as have accrued or may hereafter accrue under the Act of Congress approved February nineteenth, nineteen hundred and three, Statutes at Large, volume thirty-two, page eight

hundred and forty-one, which fees are hereby appropriated, in continuing such schools as may have been established, and in establishing such new schools as he may direct, and any of the tribal funds so set aside remaining unexpended when a public school system under a future State or Territorial government has been established, shall be distributed per capita among the citizens of the nations, in the same manner as other funds. [34 Stat. L. 140.]

SEC. 11. [*Tribal revenues to be collected by special officer — payment of claims — tribal taxes abolished — refund — accounting, delivery, etc., of tribal property — failure to account — penalty.*] That all revenues of whatever character accruing to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, whether before or after dissolution of the tribal governments, shall, after the approval hereof, be collected by an officer appointed by the Secretary of the Interior under rules and regulations to be prescribed by him; and he shall cause to be paid all lawful claims against said tribes which may have been contracted after July first, nineteen hundred and two, or for which warrants have been regularly issued, such payments to be made from any funds in the United States Treasury belonging to said tribes. All such claims arising before dissolution of the tribal governments shall be presented to the Secretary of the Interior within six months after such dissolution, and he shall make all rules and regulations necessary to carry this provision into effect and shall pay all expenses incident to the investigation of the validity of such claims or indebtedness out of the tribal funds: *Provided*, That all taxes accruing under tribal laws or regulations of the Secretary of the Interior shall be abolished from and after December thirty-first, nineteen hundred and five, but this provision shall not prevent the collection after that date nor after dissolution of the tribal government of all such taxes due up to and including December thirty-first, nineteen hundred and five, and all such taxes levied and collected after the thirty-first day of December, nineteen hundred and five, shall be refunded. [34 Stat. L. 141.]

That every officer, member or representative of the Five Civilized Tribes, respectively, or any other person, having in his possession, custody or control, any money or other property, including the books, documents, records or any other papers, of any of said tribes, shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all money of the tribe in his possession, custody or control, and shall deliver all other tribal properties so held by him to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided, prior to July thirty-first, nineteen hundred and eight, he shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by fine of not exceeding five thousand dollars, or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe or tribes in interest for the amount or value of the money or property so withheld. [35 Stat. L. 316.]

The second paragraph of this section was amended to read as above given by sec. 12 of the Act of May 27, 1908, ch. 199. In the original form this paragraph was as follows:

"Upon dissolution of the tribal governments, every officer, member, or representative of said tribes, respectively, having in his possession, custody, or control any money or other property of any tribe shall make full and true account and report thereof to the Secretary of the Interior, and shall pay all

money of the tribe in his possession, custody, or control, and shall deliver all other tribal property so held by him, to the Secretary of the Interior, and if any person shall willfully and fraudulently fail to account for all such money and property so held by him, or to pay and deliver the same as herein provided for sixty days from dissolution of the tribal government, he shall be deemed guilty of embezzlement and upon conviction thereof shall be punished by a fine of not exceeding five

thousand dollars or by imprisonment not exceeding five years, or by both such fine and imprisonment, according to the laws of the United States relating to such offense, and

shall be liable in civil proceedings to be prosecuted in behalf of and in the name of the tribe for the amount or value of the money or property so withheld." [34 Stat. L. 141.]

SEC. 12. [*Choctaw and Chickasaw town lots — sale of those reserved for mining leases — proceeds — forfeiture for nonpayment — resale — reversion of vacated streets, etc.*] That the Secretary of the Interior is authorized to sell, upon such terms and under such rules and regulations as he may prescribe, all lots in towns in the Choctaw and Chickasaw nations reserved from appraisement and sale for use in connection with the operation of coal and asphalt mining leases or for the occupancy of miners actually engaged in working for lessees operating coal and asphalt mines, the proceeds arising from such sale to be deposited in the Treasury of the United States as are other funds of said tribes. If the purchaser of any town lot sold under the provisions of law regarding the sale of town sites in the Choctaw, Chickasaw, Cherokee, Creek, or Seminole nations fail for sixty days after approval hereof to pay the purchase price or any installment thereof then due, or shall fail for thirty days to pay the purchase price or any installment thereof falling due hereafter, he shall forfeit all rights under his purchase, together with all money paid thereunder, and the Secretary of the Interior may cause the lots upon which such forfeiture is made to be resold at public auction for cash, under such rules and regulations as he may prescribe. All municipal corporations in the Indian Territory are hereby authorized to vacate streets and alleys, or parts thereof, and said streets and alleys, when vacated, shall revert to and become the property of the abutting property owners. [34 Stat. L. 141.]

SEC. 13. [*Coal and asphalt lands reserved from sale.*] That all coal and asphalt lands whether leased or unleased shall be reserved from sale under this Act until the existing leases for coal and asphalt lands shall have expired or until such time as may be otherwise provided by law. [34 Stat. L. 142.]

The application of this section is restricted by sec. 14 of the Act of May 27, 1908, ch. 199, given *infra*, p. 237; and by sec. 7 of the Act of May 28, 1908, ch. 216, given *infra*, p. 238.

SEC. 14. [*Conveyance to owner of lands reserved from allotment or sale — reversion — railroad easements not affected — exception — Murrow Indian Orphans' Home — donation patents to, authorized — conveyance of fractional rights — conveyance of other lands — description.*] That the lands in the Choctaw, Chickasaw, Cherokee, Creek, and Seminole nations reserved from allotment or sale under any Act of Congress for the use or benefit of any person, corporation, or organization shall be conveyed to the person, corporation, or organization entitled thereto: *Provided*, That if any tract or parcel thus reserved shall before conveyance thereof be abandoned for the use for which it was reserved by the party in whose interest the reservation was made, such tract or parcel shall revert to the tribe and be disposed of as other surplus lands thereof: *Provided further*, That this section shall not apply to land reserved from allotment because of the right of any railroad or railway company therein in the nature of an easement for right of way, depot, station grounds, water stations, stock yards or other uses connected with the maintenance and operation of such company's railroad, title to which tracts may be acquired by the railroad or railway company under rules and regulations to be prescribed by the Secretary of the Interior at a valuation to be determined by him; but if any such company shall fail to make payment within the time prescribed by the regulations or shall cease to use such land for the purpose for which it was reserved, title thereto shall thereupon vest in

the owner of the legal subdivision of which the land so abandoned is a part, except lands within a municipality the title to which, upon abandonment, shall vest in such municipality. The principal chief of the Choctaw Nation and the governor of the Chickasaw Nation are, with the approval of the Secretary of the Interior, hereby authorized and directed to issue patents to the Murrow Indian Orphans' Home, a corporation of Atoka, Indian Territory, in all cases where tracts have been allotted under the direction of the Secretary of the Interior for the purpose of allowing the allottees to donate the tract so allotted to said Murrow Indian Orphans' Home. In all cases where enrolled citizens of either the Choctaw or Chickasaw tribe have taken their homestead and surplus allotment and have remaining over an unallotted right to less than ten dollars on the basis of the allotment value of said lands, such unallotted right may be conveyed by the owners thereof to the Murrow Indian Orphans' Home aforesaid; and whenever said conveyed rights shall amount in the aggregate to as much as ten acres of average allottable land, land to represent the same shall be allotted to the said Murrow Indian Orphans' Home, and certificate and patent shall issue therefor to said Murrow Indian Orphans' Home. And there is hereby authorized to be conveyed to said Murrow Indian Orphans' Home, in the manner hereinbefore prescribed for the conveyance of land, the following-described lands in the Choctaw and Chickasaw nations, to wit: Sections eighteen and nineteen in township two north, range twelve east; the south half of the northeast quarter, the northeast quarter of the northeast quarter, the south half of the northwest quarter of the northeast quarter, the south half of the southeast quarter, the northeast quarter of the southeast quarter, the south half of the northwest quarter of the southeast quarter, the northeast quarter of the northwest quarter of the southeast quarter, and the northwest quarter of the southeast quarter of the southwest quarter, and the northwest quarter of the northwest quarter of section twenty-four, and the northwest quarter of the southeast quarter, the north half of the southwest quarter of the southeast quarter, the south half of the southwest quarter of the southwest quarter, the northeast quarter of the southwest quarter of the southwest quarter, and the southeast quarter of the northwest quarter of the southwest quarter of section twenty-three, and the southwest quarter of the southwest quarter of the southeast quarter of section twenty-six, and the southeast quarter of the northwest quarter of the northwest quarter, the south half of the northeast quarter of the northwest quarter, the northeast quarter of the northeast quarter of the northwest quarter, and the east half of the southeast quarter of the northwest quarter of section twenty-five, all in township two north, range eleven east, containing one thousand seven hundred and ninety acres, as shown by the Government survey, for the purpose of the said Home. [34 Stat. L. 142.]

SEC. 15. [*Tribal buildings, etc., to be sold — proceeds — purchases by municipalities.*] The Secretary of the Interior shall take possession of all buildings now or heretofore used for governmental, school, and other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe, and deposit the proceeds, less expenses incident to the appraisal and sale, in the Treasury of the United States to the credit of the respective tribes: *Provided*, That in the event said lands are embraced within the geographical limits of a State or Territory of the United States such State or Territory or any county or municipality therein shall be allowed one year from date of establishment of said State or Territory within which to purchase any such lands and improvements within their respective limits at not less than

the appraised value. Conveyances of lands disposed of under this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances: *Provided*, That this section shall not take effect until the date of the dissolution of the tribal governments of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes. [34 Stat. L. 143.]

This section was amended to read as above given by the Indian Appropriation Act of June 21, 1906, ch. 3504, 34 Stat. L. 342. The amendment consisted of the addition of the last proviso.

SEC. 16. [*Residue of unallotted, etc., lands to be sold — proceeds — preference rights of Choctaw and Chickasaw freedmen — reversion and sale on non-payment — sale of unallotted nonmineral, etc., lands — agricultural lands.*] That when allotments as provided by this and other Acts of Congress have been made to all members and freedmen of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes, the residue of lands in each of said nations not reserved or otherwise disposed of shall be sold by the Secretary of the Interior under rules and regulations to be prescribed by him and the proceeds of such sales deposited in the United States Treasury to the credit of the respective tribes. In the disposition of the unallotted lands of the Choctaw and Chickasaw nations each Choctaw and Chickasaw freedman shall be entitled to a preference right, under such rules and regulations as the Secretary of the Interior may prescribe, to purchase at the appraised value enough land to equal with that already allotted to him forty acres in area. If any such purchaser fails to make payment within the time prescribed by said rules and regulations, then such tract or parcel of land shall revert to the said Indian tribes and be sold as other surplus lands thereof. The Secretary of the Interior is hereby authorized to sell, whenever in his judgment it may be desirable, any of the unallotted land in the Choctaw and Chickasaw nations, which is not principally valuable for mining, agricultural, or timber purposes, in tracts of not exceeding six hundred and forty acres to any one person, for a fair and reasonable price, not less than the present appraised value. Conveyances of lands sold under the provisions of this section shall be executed, recorded, and delivered in like manner and with like effect as herein provided for other conveyances: *Provided further*, That agricultural lands shall be sold in tracts of not exceeding one hundred and sixty acres to any one person. [34 Stat. L. 143.]

SEC. 17. [*Per capita distribution of tribal funds.*] That when the unallotted lands and other property belonging to the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes of Indians have been sold and the moneys arising from such sales or from any other source whatever have been paid into the United States Treasury to the credit of said tribes, respectively, and when all the just charges against the funds of the respective tribes have been deducted therefrom, any remaining funds shall be distributed per capita to the members then living and the heirs of deceased members whose names appear upon the finally approved rolls of the respective tribes, such distribution to be made under rules and regulations to be prescribed by the Secretary of the Interior. [34 Stat. L. 143.]

SEC. 18. [*Jurisdiction of tribal suits — pending suits not affected — set-offs allowed defendants.*] That the Secretary of the Interior is hereby authorized to bring suit in the name of the United States, for the use of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, respectively, either before or after the dissolution of the tribal governments, for the collection of any moneys or recovery of any land claimed by any of said tribes, whether such claim shall

arise prior to or after the dissolution of the tribal governments, and the United States courts in Indian Territory are hereby given jurisdiction to try and determine all such suits, and the Secretary of the Interior is authorized to pay from the funds of the tribe interested any costs and necessary expenses incurred in maintaining and prosecuting such suits: *Provided*, That proceedings to which any of said tribes is a party pending before any court or tribunal at the date of dissolution of the tribal governments shall not be thereby abated or in anywise affected, but shall proceed to final disposition. Where suit is now pending, or may hereafter be filed in any United States court in the Indian Territory, by or on behalf of any one or more of the Five Civilized Tribes to recover moneys claimed to be due and owing to such tribe, the party defendants to such suit shall have the right to set up and have adjudicated any claim it may have against such tribe; and any balance that may be found due by any tribe or tribes shall be paid by the Treasurer of the United States out of any funds of such tribe or tribes upon the filing of the decree of the court with him. [34 Stat. L. 144.]

SEC. 19. [*Alienation restrictions extended — lease of other than homestead lands permitted — prior conveyances not invalid — taxes.*] That no full-blood Indian of the Choctaw, Chickasaw, Cherokee, Creek or Seminole tribes shall have power to alienate, sell, dispose of, or encumber in any manner any of the lands allotted to him for a period of twenty-five years from and after the passage and approval of this Act, unless such restriction shall, prior to the expiration of said period, be removed by Act of Congress; and for all purposes the quantum of Indian blood possessed by any member of said tribes shall be determined by the rolls of citizens of said tribes approved by the Secretary of the Interior: *Provided, however*, That such full-blood Indians of any of said tribes may lease any lands other than homesteads for more than one year under such rules and regulations as may be prescribed by the Secretary of the Interior; and in case of the inability of any full-blood owner of a homestead, on account of infirmity or age, to work or farm his homestead, the Secretary of the Interior, upon proof of such inability, may authorize the leasing of such homestead under such rules and regulations: *Provided further*, That conveyances heretofore made by members of any of the Five Civilized Tribes subsequent to the selection of allotment and subsequent to removal of restriction, where patents thereafter issue, shall not be deemed or held invalid solely because said conveyances were made prior to issuance and recording or delivery of patent or deed; but this shall not be held or construed as affecting the validity or invalidity of any such conveyance, except as hereinabove provided; and every deed executed before, or for the making of which a contract or agreement was entered into before the removal of restrictions, be and the same is hereby, declared void: *Provided further*, That all lands upon which restrictions are removed shall be subject to taxation, and the other lands shall be exempt from taxation as long as the title remains in the original allottee. [34 Stat. L. 144.]

SEC. 20. [*Leases by full-blood allottees restricted — minors, etc. — leases to be recorded.*] That after the approval of this Act all leases and rental contracts, except leases and rental contracts for not exceeding one year for agricultural purposes for lands other than homesteads, of full-blood allottees of the Choctaw, Chickasaw, Cherokee, Creek, and Seminole tribes shall be in writing and subject to approval by the Secretary of the Interior and shall be absolutely void and of no effect without such approval: *Provided*, That allotments of minors and incompetents may be rented or leased under order of the proper

court: *Provided further*, That all leases entered into for a period of more than one year shall be recorded in conformity to the law applicable to recording instruments now in force in said Indian Territory. [34 Stat. L. 145.]

SEC. 21. [*Lands of allottees dying intestate without heirs — Mississippi Choctaws — claims of heirs of.*] That if any allottee of the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes die intestate without widow, heir or heirs, or surviving spouse, seized of all or any portion of his allotment prior to the final distribution of the tribal property, and such fact shall be known by the Secretary of the Interior, the lands allotted to him shall revert to the tribe and be disposed of as herein provided for surplus lands; but if the death of such allottee be not known by the Secretary of the Interior before final distribution of the tribal property, the land shall escheat to and vest in such State or Territory as may be formed to include said lands. That heirs of deceased Mississippi Choctaws who died before making proof of removal to and settlement in the Choctaw country and within the period prescribed by law for making such proof may within sixty days from the passage of this Act appear before the Commissioner to the Five Civilized Tribes and make such proof as would be required if made by such deceased Mississippi Choctaws; and the decision of the Commissioner to the Five Civilized Tribes shall be final therein, and no appeal therefrom shall be allowed. [34 Stat. L. 145.]

SEC. 22. [*Conveyance of inherited lands.*] That the adult heirs of any deceased Indian of either of the Five Civilized Tribes whose selection has been made, or to whom a deed or patent has been issued for his or her share of the land of the tribe to which he or she belongs or belonged, may sell and convey the lands inherited from such decedent; and if there be both adult and minor heirs of such decedent, then such minors may join in a sale of such lands by a guardian duly appointed by the proper United States court for the Indian Territory. And in case of the organization of a State or Territory, then by a proper court of the county in which said minor or minors may reside or in which said real estate is situated, upon an order of such court made upon petition filed by guardian. All conveyances made under this provision by heirs who are full-blood Indians are to be subject to the approval of the Secretary of the Interior. under such rules and regulations as he may prescribe. [34 Stat. L. 145.]

Effect upon alienation of lands. — This section does not extend beyond the time provided by the sixteenth section of the supplemental Creek agreement (Act March 3, 1893, ch. 209, 27 Stat. L. 645) the restrictions upon the powers of heirs who are full-blood Creek Indians to alienate their inherited lands. *Western Investment Co. v. Tiger*, (Okla.) 96 Pac. 602.

The term "inherited" in the above section is synonymous with the word "descend" as used in the original agreement between the United States and the Creek Nation approved by Act Cong. March 1, 1901, ch. 676, and in the supplemental agreement approved by Act

Cong. June 30, 1902, ch. 1323, and covers those cases where heirs take by purchase as well as those where they take by inheritance, technically speaking. The section must be construed together with all other cognate acts, and applies to all allotments selected by or for deceased members of the tribe in the hands of their heirs, whether the deceased member died before or after receiving the allotment. The heirs (not full bloods) of a deceased Indian who died before his selection was made or his patent issued may sell and convey the allotment inuring to them as such heirs. *Shulthis v. MacDougal*, (1907) 162 Fed. 331.

SEC. 23. [*Disposal of property by will permitted — restriction.*] Every person of lawful age and sound mind may by last will and testament devise and bequeath all of his estate, real and personal, and all interest therein: *Provided*, That no will of a full-blood Indian devising real estate shall be valid, if such last will and testament disinherits the parent, wife, spouse, or children of such full-blood Indian, unless acknowledged before and approved by a judge of

the United States court for the Indian Territory, or a United States commissioner or a judge of a county court of the State of Oklahoma. [*34 Stat. L. 145.*]

The closing words of this section, "or a judge of a county court of the State of Oklahoma," were added by sec. 8 of the Act of May 27, 1908, ch. 199, given *infra*, p. 235.

This section is made applicable to wills executed under sec. 9 of the Act of May 27, 1908, ch. 199. That section is given *infra*, p. 235.

SEC. 24. [*Choctaw, Chickasaw, and Seminole lands — highways on section lines of — damages — expenses — obstruction of highway — penalty — notice.*] That in the Choctaw, Chickasaw, and Seminole nations public highways or roads two rods in width, being one rod on each side of the section line, may be established on all section lines; and all allottees, purchasers, and others shall take title to such land subject to this provision, and if buildings or other improvements are damaged in consequence of the establishment of such public highways or roads, such damages accruing prior to the inauguration of a State government shall be determined under the direction of the Secretary of the Interior and be paid for from the funds of said tribes, respectively. All expenses incident to the establishment of public highways or roads in the Creek, Cherokee, Choctaw, Chickasaw, and Seminole nations, including clerical hire, per diem, salary, and expenses of viewers, appraisers, and others, shall be paid under the direction of the Secretary of the Interior from the funds of the tribe or nation in which such public highways or roads are established. Any person, firm, or corporation obstructing any public highway or road, and who shall fail, neglect, or refuse for a period of ten days after notice to remove or cause to be removed any and all obstructions from such public highway or road, shall be deemed guilty of a misdemeanor, and upon conviction shall be fined not exceeding ten dollars per day for each and every day in excess of said ten days which said obstruction is permitted to remain: *Provided, however,* That notice of the establishment of public highways or roads need not be given to allottees or others, except in cases where such public highways or roads are obstructed, and every person obstructing any such public highway or road, as aforesaid, shall also be liable in a civil action for all damages sustained by any person who has in any manner whatever been damaged by reason of such obstruction. [*34 Stat. L. 145.*]

SEC. 25. [*Power and light companies granted rights of way for dams, etc. — proceedings to acquire lands, etc. — approval by Secretary of Interior — appraisalment by referees on failure of amicable settlement — municipal control etc. — future control of granted rights.*] That any light, or power company doing business within the limits of the Indian Territory, in compliance with the laws of the United States that are now or may be in force therein, be, and the same are hereby, invested and empowered with the right of locating, constructing, owning, operating, using, and maintaining canals, reservoirs, auxiliary steam works, and a dam or dams across any nonnavigable stream within the limits of said Indian Territory, for the purpose of obtaining a sufficient supply of water to manufacture and generate water, electric, or other power, light, and heat and to utilize and transmit and distribute such power, light, and heat to other places for its own use or other individuals or corporations, and the right of locating, constructing, owning, operating, equipping, using, and maintaining the necessary pole lines and conduits for the purpose of transmitting and distributing such power, light, and heat to other places within the limits of said Indian Territory. That the right to locate, construct, own, operate, use, and maintain such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through the Indian Territory, together with the right to ac-

quire, by condemnation, purchase or agreement between the parties, such land as it may deem necessary for the locating, constructing, owning, operating, using, and maintaining of such dams, canals, reservoirs, auxiliary steam works, pole lines, and conduits in or through any land held by any Indian tribe or nation, person, individual, corporation, or municipality in said Indian Territory, or in or through any lands in said Indian Territory which have been or may hereafter be allotted in severalty to any individual Indian or other person under any law or treaty, whether the same have or have not been conveyed to the allottee, with full power of alienation, is hereby granted to any company complying with the provisions of this Act: *Provided*, That the purchase from and agreements with individual Indians, where the right of alienation has not theretofore been granted by law, shall be subject to approval by the Secretary of the Interior. In case of the failure of any light, or power company to make amicable settlement with any individual owner, occupant, allottee, tribe, nation, corporation, or municipality for any lands or improvements sought to be condemned or appropriated under this Act all compensation and damages to be paid to the dissenting individual owner, occupant, allottee, tribe, nation, corporation, or municipality by reason of the appropriation and condemnation of said lands and improvements shall be determined as provided in sections fifteen and seventeen of an Act of Congress entitled "An Act to grant a right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," approved February twenty-eighth, nineteen hundred and two (Public Numbered Twenty-six), and all such proceedings hereunder shall conform to said sections, except that sections three and four of said Act shall have no application, and except that hereafter the plats required to be filed by said Act shall be filed with the Secretary of the Interior and with the Commissioner to the Five Civilized Tribes, and where the words "Principal Chief or Governor" of any tribe or nation occur in said Act, for the purpose of this Act there is inserted the words Commissioner to the Five Civilized Tribes. Whenever any such dam or dams, canals, reservoirs and auxiliary steam works, pole lines and conduits are to be constructed within the limits of any incorporated city or town in the Indian Territory, the municipal authorities of such city or town shall have the power to regulate the manner of construction therein, and nothing herein contained shall be so construed as to deny the right of municipal taxation in such cities and towns: *Provided*, That all rights granted hereunder shall be subject to the control of the future Territory or State within which the Indian Territory may be situated. [34 Stat. L. 146.]

SEC. 26. [*Municipalities granted additional powers — improvement of streets, etc. — special assessments — maximum — issue of scrip or certificates — taxation of railroad property — municipal assessments — appeal — costs.*] That in addition to the powers now conferred by law, all municipalities in the Indian Territory having a population of over two thousand to be determined by the last census taken under any provision of law or ordinance of the council of such municipality, are hereby authorized and empowered to order improvements of the streets or alleys or such parts thereof as may be included in an ordinance or order of the common council with the consent of a majority of the property owners whose property as herein provided is liable to assessment therefor for the proposed improvement; and said council is empowered and authorized to make assessments and levy taxes with the consent of a majority of the property owners whose property is assessed, for the purpose of grading, paving, macadamizing, curbing, or guttering streets and alleys, or building side-

walks upon and along any street, roadway or alley within the limits of such municipality, and the cost of such grading, paving, macadamizing, curbing, guttering or sidewalk constructed, or other improvements under authority of this section, shall be so assessed against the abutting property as to require each parcel of land to bear the cost of such grading, paving, macadamizing, curbing, guttering or sidewalk, as far as it abuts thereon, and in the case of streets or alleys to the center thereof; and the cost of street intersections or crossings may be borne by the city or apportioned to the quarter blocks abutting thereon upon the same basis. The special assessments provided for by this section and the amount to be charged against each lot or parcel of land shall be fixed by the city council or under its authority and shall become a lien on such abutting property, which may be enforced as other taxes are enforced under the laws in force in the Indian Territory. The total amount charged against any tract or parcel of land shall not exceed twenty per centum of its assessed value, and there shall not be required to be paid thereon exceeding one per centum per annum on the assessed value and interest at six per centum on the deferred payments. For the purpose of paying for such improvements the city council of such municipality is hereby authorized to issue improvement script [*sic*] or certificates for the amount due for such improvements, said script or certificates to be payable in annual installments and to bear interest from date at the rate of six per centum per annum, but no improvement script shall be issued or sold for less than its par value. All of said municipalities are hereby authorized to pass all ordinances necessary to carry into effect the above provisions and for the purpose of doing so may divide such municipality into improvement districts. That the tangible property of railroad corporations (exclusive of rolling stock) located within the corporate limits of incorporated cities and towns in the Indian Territory shall be assessed and taxed in proportion to its value the same as other property is assessed and taxed in such incorporated cities and towns; and all such city or town councils are hereby empowered to pass such ordinances as may be necessary for the assessment, equalization, levy and collection, annually, of a tax on all property except as herein stated within the corporate limits and for carrying the same into effect: *Provided*, That should any person or corporation feel aggrieved by any assessment of property in the Indian Territory, an appeal from such assessment may be taken within sixty days by original petition to be filed in United States court in the district in which such city or town is located, and the question of the amount and legality of such assessment, and the validity of the ordinance under which such assessment is made may be determined by such court and the costs of such proceeding shall be taxed and apportioned between the parties as the court shall find to be just and equitable. [34 Stat. L. 147.]

SEC. 27. [*Tribal lands to be held in trust — allotments not affected.*] That the lands belonging to the Choctaw, Chickasaw, Cherokee, Creek, or Seminole tribes, upon the dissolution of said tribes, shall not become public lands nor property of the United States, but shall be held in trust by the United States for the use and benefit of the Indians respectively comprising each of said tribes, and their heirs as the same shall appear by the rolls as finally concluded as heretofore and hereinafter provided for: *Provided*, That nothing herein contained shall interfere with any allotments heretofore or hereafter made or to be made under the provisions of this or any other Act of Congress. [34 Stat. L. 148.]

SEC. 28. [*Tribal governments continued — restriction — contracts.*] That the tribal existence and present tribal governments of the Choctaw, Chickasaw,

Cherokee, Creek, and Seminole tribes or nations are hereby continued in full force and effect for all purposes authorized by law, until otherwise provided by law, but the tribal council or legislature in any of said tribes or nations shall not be in session for a longer period than thirty days in any one year: *Provided*, That no act, ordinance, or resolution (except resolutions of adjournment) of the tribal council or legislature of any of said tribes or nations shall be of any validity until approved by the President of the United States: *Provided further*, That no contract involving the payment or expenditure of any money or affecting any property belonging to any of said tribes or nations made by them or any of them or by any officer thereof, shall be of any validity until approved by the President of the United States. [34 Stat. L. 148.]

SEC. 29. [*Repeal.*] That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed. [34 Stat. L. 148.]

An Act To amend section six of an Act approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes."

[Act of May 8, 1906, ch. 2348, 34 Stat. L. 182.]

[*Lands in severalty to Indians.*] *Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled*, That section six of an Act approved February eighth, eighteen hundred and eighty-seven, entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," be amended to read as follows:

"SEC. 6. [*Citizenship rights to allottees on issue of fee simple title — restrictions removed — jurisdiction in trust patents continued — Indian Territory not included — fee simple patents to allottees' heirs — sale of — disposal of proceeds.*] That at the expiration of the trust period and when the lands have been conveyed to the Indians by patent in fee, as provided in section five of this Act, then each and every allottee shall have the benefit of and be subject to the laws, both civil and criminal, of the State or Territory in which they may reside; and no Territory shall pass or enforce any law denying any such Indian within its jurisdiction the equal protection of the law. And every Indian born within the territorial limits of the United States to whom allotments shall have been made and who has received a patent in fee simple under the provisions of this Act, or under any law or treaty, and every Indian born within the territorial limits of the United States who has voluntarily taken up within said limits his residence, separate and apart from any tribe of Indians therein, and has adopted the habits of civilized life, is hereby declared to be a citizen of the United States, and is entitled to all the rights, privileges, and immunities of such citizens, whether said Indian has been or not, by birth or otherwise, a member of any tribe of Indians within the territorial limits of the United States without in any manner impairing or otherwise affecting the right of any such Indian to tribal or other property: *Provided*, That the Secretary of the Interior may, in his discretion, and he is hereby authorized, whenever he shall be satisfied that any Indian allottee is competent and capable of managing his or her affairs at any time to cause to be issued to such allottee a patent in fee simple, and thereafter all restrictions as to sale, incumbrance, or taxation of said land

shall be removed and said land shall not be liable to the satisfaction of any debt contracted prior to the issuing of such patent: *Provided further*, That until the issuance of fee-simple patents all allottees to whom trust patents shall hereafter be issued shall be subject to the exclusive jurisdiction of the United States: *And provided further*, That the provisions of this Act shall not extend to any Indians in the Indian Territory." That hereafter when an allotment of land is made to any Indian, and any such Indian dies before the expiration of the trust period, said allotment shall be cancelled and the land shall revert to the United States, and the Secretary of the Interior shall ascertain the legal heirs of such Indian, and shall cause to be issued to said heirs and in their names, a patent in fee simple for said land, or he may cause the land to be sold as provided by law and issue a patent therefor to the purchaser or purchasers, and pay the net proceeds to the heirs, or their legal representatives, of such deceased Indian. The action of the Secretary of the Interior in determining the legal heirs of any deceased Indian, as provided herein, shall in all respects be conclusive and final. [34 Stat. L. 182.]

The provision amended by the above text is set forth in 3 Fed. Stat. Annot. 496.

The introduction of intoxicating liquor upon an Indian allotment made prior to this statute under the Act of Feb. 8, 1887, ch. 119, 3 Fed. Stat. Annot. 492, does not constitute

a crime under the federal statute (R. S. sec. 2139, as amended by Act of Jan. 30, 1897, ch. 109, 3 Fed. Stat. Annot. 382), for the reason that the United States has surrendered its police powers over the land. *U. S. v. Sutton*, 165 Fed. 253.

An Act Providing for a recorder of deeds, and so forth, in the Osage Indian Reservation, in Oklahoma Territory.

[Act of June 4, 1906, ch. 2573, 34 Stat. L. 209.]

[SEC. 1.] [*Oklahoma — Osage Indian reservation made a recording district — recorder at Pawhuska — compensation — reports — disposal of surplus fees.*] That the Osage Indian Reservation, in Oklahoma Territory, be, and the same is hereby, declared to be a recording district for the purpose of recording and filing such deeds, mortgages, and other instruments in writing as are an[u]thorized by the law of Oklahoma Territory affecting property within said reservation. And the deputy clerk of the district court located at the town of Pawhuska, on the said reservation, shall be ex officio register of deeds. As compensation for services the said recorder is hereby authorized to retain the fees legally collected by him for the recording of deeds and other instruments, up to and including the sum of one thousand eight hundred dollars per annum, and the fees collected by him shall be the same as are charged for like service in other recording districts in said Territory. Said recorder shall make monthly reports to the Secretary of the Interior of the fees collected by him, and said Secretary is hereby authorized to use such part of said fees as may be needed for the purchase of records, books, supplies, and expenses of said office. If the receipts of said office exceed the said sum of one thousand eight hundred dollars, the said excess shall be turned into the Treasury of the United States. This Act shall not be construed to in any way obligate the Government to pay the said recorder any deficiency below the sum of one thousand eight hundred dollars yearly. [34 Stat. L. 208.]

SEC. 2. [*Effect of recording deeds, etc. — termination.*] That all deeds, papers, and other instruments recorded by said recorder in the Osage Nation shall have the same effect, legally or otherwise, as if recorded in the recording office of any regularly organized county in the Oklahoma Territory: *Provided*,

That this Act shall become inoperative when the Osage Reservation shall become an organized county of Oklahoma, and all records shall be turned over to the proper county officer whenever such county is organized. [34 Stat. L. 209.]

An Act To open for settlement five hundred and five thousand acres of land in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory.

[Act of June 5, 1906, ch. 2580, 34 Stat. L. 212.]

[SEC. 1.] [*Oklahoma — Kiowa, Comanche, and Apache Indian reservations pasture, etc., lands opened for settlement.*] That all of that part of article three of section six of the Act of Congress of date June sixth, nineteen hundred, entitled "An Act to ratify and confirm an agreement with the Indians of the Fort Hall Indian Reservation, in Idaho," and making appropriations to carry the same into effect, which reads as follows, to wit: "That in addition to the allotment of lands to said Indians as provided for in this agreement the Secretary of the Interior shall set aside for the use in common for said Indian tribes four hundred and eighty thousand acres of grazing land to be selected by the Secretary of the Interior either in one or more tracts, as will best subserve the interests of said Indians," be, and the same is hereby, repealed. [34 Stat. L. 213.]

SEC. 2. [*Land to be opened for entry — proclamation — public sale — disposal of proceeds — sales subject to prior leases, etc.*] That the four hundred and eighty thousand acres of land set apart in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, by the Secretary of the Interior, referred to and mentioned in section one of this Act, and the twenty-five thousand acres of land set apart as a wood reservation in the Kiowa, Comanche, and Apache Indian reservations, in Oklahoma Territory, by the Secretary of the Interior, shall be opened to settlement by proclamation of the President of the United States within six months from the passage of this Act and be disposed of upon sealed bids or at public auction, at the discretion of the Secretary of the Interior, to the highest bidder under the provisions of the homestead laws of the United States and under the rules and regulations adopted by the Secretary of the Interior, and such purchaser must be duly qualified to make entry under the general homestead laws: *Provided*, That the money arising from the sale of said lands shall be paid into the Treasury of the United States and placed to the credit of said tribes of Indians, and said deposit of money shall draw four per centum interest per annum; and the principal and interest of said deposit shall be expended for the benefit of said Indians in such manner as Congress may direct: *Provided further*, That such sales shall be subject to any leases made for agricultural purposes prior to this Act, the rentals accruing after such sale to belong to the purchasers under this Act. [34 Stat. L. 213.]

SEC. 3. [*Price and terms of sale — forfeiture — title.*] That said lands shall be sold for not less than five dollars per acre, and shall be sold upon the following terms: One-fifth of the price bid therefor to be paid at the time the bid is made and the balance of the purchase price of said land to be paid in four equal annual installments; and in case any purchaser fails to make such annual payment when due all rights in and to the land covered by his or her purchase shall at once cease and any payments theretofore made shall be forfeited and his or her entry shall be canceled. And no title to said land shall inure to the purchaser, nor any patent of the United States issue to the pur-

chaser, until the purchaser shall have in all respects complied with the terms and provisions of the homestead laws of the United States. [34 Stat. L. 213.]

SEC. 4. [*Regulations.*] That the Secretary of the Interior is hereby vested with full power and authority to make such rules and regulations as to the time of notice, manner of sale, and other matters incident to the carrying out of the provisions of this Act as he may deem necessary. [34 Stat. L. 214.]

SEC. 5. [*Sale of undisposed lands.*] That all lands remaining undisposed of at the expiration of five years from the taking effect of this Act shall be disposed of for cash, under rules and regulations to be prescribed by the Secretary of the Interior. [34 Stat. L. 214.]

SEC. 6. [*Allotments to children born since June 6, 1900.*] That prior to the said proclamation the Secretary of the Interior shall allot one hundred and sixty acres of land to each child of Indian parentage born since June sixth, nineteen hundred, whose father or mother was a duly enrolled member of either the Kiowa, Comanche, or Apache tribes of Indians and entitled to an allotment of land under the Act of June sixth, nineteen hundred, opening said Kiowa, Comanche, or Apache reservations to settlement, said allotments to be made out of the lands known as the pasture reserves in said reservations. [34 Stat. L. 214.]

An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and seven.

[Act of June 21, 1906, ch. 3504, 34 Stat. L. 325.]

[SEC. 1.] [*Rations to mission schools on Indian reservations.*] * * * Mission schools on an Indian reservation may, under rules and regulations prescribed by the Commissioner of Indian Affairs, receive for such Indian children duly enrolled therein, the rations of food and clothing to which said children would be entitled under treaty stipulations if such children were living with their parents.

[*Continuing alienation restrictions—Indian Territory excepted.*] That prior to the expiration of the trust period of any Indian allottee to whom a trust or other patent containing restrictions upon alienation has been or shall be issued under any law or treaty the President may in his discretion continue such restrictions on alienation for such period as he may deem best: *Provided, however,* That this shall not apply to lands in the Indian Territory. [34 Stat. L. 326.]

[*Allotments in severalty—lands not liable for prior debts.*] * * * That the Act entitled "An Act to provide for the allotment of lands in severalty to Indians on the various reservations, and to extend the protection of the laws of the United States and the Territories over the Indians, and for other purposes," approved February eighth, eighteen hundred and eighty-seven, be, and is hereby, amended by adding the following: No lands acquired under the provisions of this Act shall, in any event, become liable to the satisfaction of any debt contracted prior to the issuing of the final patent in fee therefor.

[*Trust funds.*] That no money accruing from any lease or sale of lands held in trust by the United States for any Indian shall become liable for the payment of any debt of, or claim against, such Indian contracted or arising

during such trust period, or, in case of a minor, during his minority, except with the approval and consent of the Secretary of the Interior.

[*Interest on funds held for minors — sales within reclamation projects — proceeds.*] That the shares of money due minor Indians as their proportion of the proceeds from the sale of ceded or tribal Indian lands, whenever such shares have been, or shall hereafter be, withheld from their parents, legal guardians, or others, and retained in the United States Treasury by direction of the Secretary of the Interior, shall draw interest at the rate of three per centum per annum unless otherwise provided for, from the period when such proceeds have been or shall be distributed per capita among the members of the tribe of which such minor is a member; and the Secretary of the Treasury is hereby authorized and directed to allow interest on such unpaid amounts belonging to said minors as shall be certified by the Secretary of the Interior as entitled to draw interest under this Act. That any Indian allotted lands under any law or treaty without the power of alienation, and within a reclamation project approved by the Secretary of the Interior, may sell and convey any part thereof, under rules and regulations prescribed by the Secretary of the Interior, but such conveyance shall be subject to his approval, and when so approved shall convey full title to the purchaser the same as if final patent without restrictions had been issued to the allottee: *Provided*, That the consideration shall be placed in the Treasury of the United States, and used by the Commissioner of Indian Affairs to pay the construction charges that may be assessed against the unsold part of the allotment, and to pay the maintenance charges thereon during the trust period, and any surplus shall be a benefit running with the water right to be paid to the holder thereof. [34 Stat. L. 327.]

The Act of Feb. 8, 1887, above referred to, is set forth in 3 Fed. Stat. Annot. 492.

[*Annual report of Commissioner of Indian Affairs modified — detailed statement of contracts — reporting employees repealed.*] * * * That so much of the section three of the Act of August fifteenth, eighteen hundred and seventy-six, as required the Commissioner of Indian Affairs to embody in his annual report a detailed and tabular statement of all bids and proposals received for any services, supplies, and annuity goods for the Indian service, together with a detailed statement of all awards of contracts made for any such services, supplies, and annuity goods for which said bids or proposals were received, is hereby repealed, and hereafter he shall embody in his annual report only a detailed statement of the awards of contracts made for any services, supplies, and annuity goods for the Indian service; and that so much of the Acts of March second, eighteen hundred and ninety-two, and April twenty-first, nineteen hundred and four, which require the Commissioner to report annually the names of all employees in the Indian service is hereby also repealed. [34 Stat. L. 328.]

The provision of the Act of Aug. 15, 1876, above repealed, is set forth in 2 Fed. Stat. Annot. 929.

[*Printing in schools.*] * * * That the provisions of section thirty-seven hundred and eighty-six of the Revised Statutes of the United States shall not apply to such work of the Indian Department as can be executed at the several Indian schools.

R. S. sec. 3786, above mentioned, is set forth in 6 Fed. Stat. Annot. 641.

[*Right of way through Indian lands.*] That section two of an Act of Congress entitled "An Act to provide for the acquiring of rights of way of

railroad companies through Indian reservations, Indian lands, and Indian allotments, and for other purposes," approved March second, eighteen hundred and ninety-nine, be, and the same hereby is, amended so as to read as follows:

"SEC. 2. [*Width — for stations, etc., increased.*] That such right of way shall not exceed fifty feet in width on each side of the center line of the road, except where there are heavy cuts and fills, when it shall not exceed one hundred feet in width on each side of the road, and may include grounds adjacent thereto for station buildings, depots, machine shops, side tracks, turnouts, and water stations, not to exceed two hundred feet in width by a length of three thousand feet, and not more than one station to be located within any one continuous length of ten miles of road." [34 Stat. L. 330.]

Sec. 2 of the Act of March 2, 1899, above referred to, is given in 3 Fed. Stat. Annot. 512.

[*Superintendent of Indian schools — expenses — per diem — other duties.*]

* * * For necessary traveling expenses of one superintendent of Indian schools, including telegraphing and incidental expenses of inspection and investigation, one thousand five hundred dollars: *Provided*, That he shall be allowed three dollars per day for traveling expenses when actually on duty in the field, exclusive of cost of transportation and sleeping-car fare, in lieu of all other expenses now allowed by law: *And provided further*, That he shall perform such other duties as may be imposed upon him by the Commissioner of Indian Affairs, subject to the approval of the Secretary of the Interior. [34 Stat. L. 330.]

[*Indian agents — salaries not available for army officers — school superintendents may act as agents — bonds.*] * * * The appropriations for the salaries of Indian agents shall not take effect nor become available in any case for or during the time in which any officer of the Army of the United States shall be engaged in the performance of the duties of Indian agent at any of the agencies above named; and the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may devolve the duties of any Indian agency or part thereof upon the superintendent of the Indian school located at such agency or part thereof whenever in his judgment such superintendent can properly perform the duties of such agency. And the superintendent upon whom such duties devolve shall give bond as other Indian agents. [34 Stat. L. 332.]

[*Gila River Reservation — irrigation — annual charge.*] * * * For the construction of an irrigation system necessary for developing and furnishing a water supply for the irrigation of the lands of the Pima Indians in the vicinity of Sacaton, on the Gila River Indian Reservation, two hundred and fifty thousand dollars, to be expended under the direction of the Secretary of the Interior: *Provided further*, That when said irrigation system is in successful operation, and the Indians have become self-supporting, the cost of operating the said system shall be equitably apportioned upon the lands irrigated, and to the annual charge shall be added an amount sufficient to pay back into the Treasury the cost of the work within thirty years, suitable deduction being made for the amounts received from disposal of lands which now form a part of said reservation. [34 Stat. L. 333.]

[*Nez Perces — leases permitted — certificate.*] * * * That if any adult member of the Nez Perce tribe of Indians in Idaho believes himself or herself competent to make leases and transact his or her affairs, such member may file a request with the Commissioner of Indian Affairs for a permit to lease

the lands which have been allotted to him or her and the minor children of such member. And if upon consideration and examination of the request the said Commissioner finds said member to be fully competent and capable of managing and caring for his or her own individual affairs, he may issue a certificate to such member authorizing him or her to make leases or rental contracts for the lands allotted to such member and his or her minor children. [34 Stat. L. 334.]

[*Lemhi Reservation — schedule of abandoned lands — appraisal — sales — proceeds — sale of mission land.*] * * * That before any of the lands in the Lemhi Reservation, in Idaho, ceded by the agreement concluded on May fourteenth, eighteen hundred and eighty, set forth in the Act of February twenty-third, eighteen hundred and eighty-nine (Twenty-fifth Statutes, page six hundred and eighty-seven), the provisions of which are accepted by agreement executed December twenty-eighth, nineteen hundred and five, by a majority of all the adult male members belonging on or occupying the said reservation, and approved by the President on January twenty-seventh, nineteen hundred and six, be opened to settlement or entry, the Commissioner of Indian Affairs shall cause to be prepared a schedule of the improved lands to be abandoned, with a description of the improvements thereon and the names of the Indian occupants, a duplicate of which shall be filed with the Commissioner of the General Land Office. Before entry shall be allowed of any tract of land occupied and cultivated and included in the schedule aforesaid, the Secretary of the Interior shall cause the improvements on said tract to be appraised and sold to the highest bidder. No sale of such improvements shall be for less than the appraised value. The purchaser of such improvements shall have thirty days after such purchase for preference right of entry of the lands upon which the improvements purchased by him are situated, not to exceed one hundred and sixty acres: *Provided*, That the proceeds of the sale of such improvements shall be paid to the Indians owning the same; *Provided further*, That any missionary or religious society to which the Government has assigned lands in said reservation may remove or dispose of the improvements thereon within a reasonable time after the removal of the Indians to the Fort Hall Reservation, and if sold the purchaser of such improvements shall have thirty days from the date of sale thereof for preference right to entry of the lands upon which the improvements purchased by him are situated, not exceeding one hundred and sixty acres. [34 Stat. L. 334.]

[*Coeur d'Alene Indian Reservation — disposal of allotted lands — allotments — classification of unallotted lands — opening to entry — terms — commutation — timber — mineral lands — coal and oil deposits reserved — sale of lands remaining — purchase of school lands — indemnity selections — proclamation of opening — town sites reserved — disposal of proceeds — per capita payment — interest on tribal fund — agency, etc., lands reserved — maximum — rules, etc. — liability of United States limited — appropriation for expenses — use of proceeds.*] * * * That the Secretary of the Interior be, and he is hereby, authorized and directed, as hereinafter provided, to sell or dispose of unallotted lands in the Coeur d'Alene Indian Reservation, in the State of Idaho. That as soon as the lands embraced within the Coeur d'Alene Indian Reservation shall have been surveyed, the Secretary of the Interior shall cause allotments of the same to be made to all persons belonging to or having tribal relations on said Coeur d'Alene Indian Reservation, to each man, woman, and child one hundred and sixty acres, and, upon the approval of such allotments by the Secretary of the

Interior, he shall cause patents to issue therefor under the provisions of the general allotment law of the United States. That upon the completion of said allotments to said Indians the residue or surplus lands — that is, lands not allotted or reserved for Indian school, agency, or other purposes — of the said Coeur d'Alene Indian Reservation shall be classified under the direction of the Secretary of the Interior as agricultural lands, grazing lands, or timber lands, and shall be appraised under their appropriate classes by legal subdivisions, and, upon completion of the classification and appraisement, such surplus lands shall be opened to settlement and entry, under the provisions of the homestead laws, at not less than their appraised value, in addition to the fees and commissions now prescribed by law for the disposition of lands of the value of one dollar and twenty-five cents per acre, by proclamation of the President, which proclamation shall prescribe the manner in which these lands shall be settled upon, occupied, and entered by persons entitled to make entry thereof: *Provided*, That the price of said lands when entered shall be fixed by the appraisement, as herein provided for, which shall be paid in accordance with rules and regulations to be prescribed by the Secretary of the Interior upon the following terms: One-fifth of the purchase price to be paid in cash at the time of entry and the balance in five equal annual installments to be paid in one, two, three, four, and five years, respectively, from and after the date of entry, and in case any entryman fails to make the annual payments, or any of them, promptly when due all rights in and to the land covered by his or her entry shall cease, and any payment theretofore made shall be forfeited and the entry canceled, and the lands shall be reoffered for sale and entry: *Provided*, That the right to commute by said entryman shall be allowed as to any lands classified as agricultural and grazing lands, but the entryman, upon commutation, shall not be required to pay in the aggregate any sum in excess of the appraised value of such lands; and nothing in this Act shall be held to repeal or extend the provisions of the homestead laws permitting the entryman to cut and remove, or cause to be cut and removed, so much timber as is actually necessary for buildings, fences, and other improvements on the land entered: *Provided further*, That the general mining laws of the United States shall extend after the approval of this Act to any of said lands and mineral entry may be made on any of said lands, but no such mineral selection shall be permitted upon any lands allotted in severalty to the Indians: *Provided further*, That all the coal or oil deposits in or under the lands on the said reservation shall be and remain the property of the United States, and no patent that may be issued under the provisions of this or any other Act of Congress shall convey any title thereto: *Provided further*, That the lands remaining undisposed of at the expiration of five years from the opening of the said lands to entry shall be sold to the highest bidder for cash, at not less than one dollar per acre, under rules and regulations to be prescribed by the Secretary of the Interior, and that any lands remaining unsold ten years after the said lands shall have been opened to entry may be sold to the highest bidder for cash without regard to the above minimum limit of price: *And provided further*, That sections sixteen and thirty-six of said lands be, and they are hereby, excepted from the foregoing provisions and are hereby granted to the State of Idaho for school purposes, and the United States shall pay to said Indians therefor the sum of one dollar and twenty-five cents per acre: *And provided also*, That if the State of Idaho has made any selections under existing law in lieu of sections sixteen and thirty-six of the lands affected by this Act the acreage of such selections shall be deducted from the acreage to be paid for under the preceding proviso. That the said lands shall be opened to settlement and entry by proc-

lamation of the President, which proclamation shall prescribe the time when and the manner in which these lands may be settled upon, occupied, and entered by persons entitled to make entry thereof, and no person shall be permitted to settle upon, occupy, and enter any of said lands except as prescribed in such proclamation. That the Secretary of the Interior shall reserve from said lands, whether surveyed or unsurveyed, such tracts for town-site purposes as in his opinion may be required for the future public interests, and he may cause any such reservations, or parts thereof, to be surveyed into blocks and lots of suitable size, and to be appraised and disposed of under such regulations as he may prescribe, and the net proceeds derived from the sale of such lands shall be paid to said Indians as provided in section seven of this Act. That the net proceeds arising from the sale and disposition of the lands aforesaid, including the sums paid for mineral and town-site lands, shall be, after deducting the expenses incurred from time to time in connection with the allotment, appraisement, and sales and surveys herein provided, deposited in the Treasury of the United States to the credit of the Coeur d'Alene and confederated tribes of Indians belonging and having tribal rights on the Coeur d'Alene Indian Reservation, in the State of Idaho, and shall be expended for their benefit, under the direction of the Secretary of the Interior, in the education and improvement of said Indians and in the purchase of stock cattle, horse teams, harness, wagons, mowing machines, horserakes, thrashing machines, and other agricultural implements for issue to said Indians, and also for the purchase of material for the construction of houses or other necessary buildings, and a reasonable sum may also be expended by the Secretary, in his discretion, for the comfort, benefit, and improvement of said Indians: *Provided*, That a portion of the proceeds may be paid to the Indians in cash per capita, share and share alike, if in the opinion of the Secretary of the Interior such payments will further tend to improve the condition and advance the progress of said Indians, but not otherwise: *Provided*, That any sums placed in the Treasury of the United States to the credit of said Indians shall bear interest at the rate of three per centum per annum, which interest shall be expended in the same manner as the principal. That any of said lands necessary for agency, school, and religious purposes, including any lands now occupied by the agency buildings, and the site of any sawmill, gristmill, or other mill property on said lands are hereby reserved for such uses so long as said land shall be occupied for the purposes above designated: *Provided*, That all such reserved lands shall not exceed in the aggregate three sections and must be selected in legal subdivisions conformable to the public surveys, such selection to be under the direction of the Secretary of the Interior and subject to his approval. That the Secretary of the Interior is hereby vested with full power and authority to make all needful rules and regulations as to the manner of sale, notice of same, and other matters incident to the carrying out of the provisions of this Act, and with authority to reappraise and reclassify said lands if deemed necessary from time to time, and to continue making sales of the same, in accordance with the provisions of this Act, until all of the lands shall have been disposed of. That nothing in this Act contained shall be construed to bind the United States to find purchasers for any of said lands, it being the purpose of this Act merely to have the United States to act as trustee for said Indians in the disposition and sales of said lands and to expend or pay over to them the net proceeds derived from the sales as herein provided. That to enable the Secretary of the Interior to allot, classify, appraise, and conduct the sale and entry of said lands as in this Act provided the sum of fifteen thousand dollars, or so much thereof as may be necessary, is hereby appropriated from any money

in the Treasury not otherwise appropriated, the same to be reimbursed from the proceeds of the sales of the aforesaid lands: *Provided*, That when funds shall have been procured from the first sales of the land the Secretary of the Interior may use such portion thereof as may be actually necessary in conducting future sales and otherwise carrying out the provisions of this Act. [34 Stat. L. 335.]

[*Choctaw and Chickasaw freedmen — reservations for churches, etc. — cemeteries — Choctaw coal lands — additional lands — payments by lessees.*]
 * * * That there shall be reserved from allotment one acre of the unallotted lands of the Choctaw and Chickasaw tribes for each church under the control of or used exclusively by the Choctaw or Chickasaw freedmen; and there shall be reserved from allotment one acre of said lands for each school conducted by Choctaw or Chickasaw freedmen, under the supervision of the authorities of said tribes and officials of the United States, and patents shall issue, as provided by law, to the person or organization entitled to receive the same. There are also reserved such tracts from said lands as the Secretary of the Interior may approve for cemeteries; and such cemeteries may be reserved, respectively, for Indians, freedmen, and whites, as the Secretary may designate. That the Secretary of the Interior is hereby authorized and empowered to segregate and reserve from allotment, and to cancel any filings or applications that may heretofore have been made with a view to allotting, the following-described lands, situate in the Choctaw Nation, Indian Territory, to wit: The northwest quarter of section twelve, in township five north, range fifteen east, containing in the aggregate one hundred and sixty acres more or less. That the provisions of sections fifty-six to sixty-three, inclusive, of the Act of Congress approved July first, nineteen hundred and two, entitled "An Act to ratify and confirm an agreement with the Choctaw and Chickasaw tribes, and for other purposes," be, and the same are hereby, made applicable to the lands above described, the same as if the said described lands had been made a part of the segregation as contemplated by said sections fifty-six to sixty-three, inclusive, of said above Act approved July first, nineteen hundred and two: *Provided*, That the Secretary of the Interior may, in his discretion, add to and make a part of the coal mining leases now in effect, and to which said lands are contiguous, the northwest quarter of section twelve, in township five north, of range fifteen east, Government subdivisions being followed as nearly as possible: *Provided further*, That the holder or holders of the lease or leases to which such lands shall be added shall, before the same are added, pay the Indian or Indians who have filed upon or applied for such lands as their allotments, or who are in possession thereof, the value of the improvements placed on the land by said Indian or Indians, such value to be determined under the direction of the Secretary of the Interior. [34 Stat. L. 333.]

The Act of July 1, 1902, above referred to, is set forth in 10 Fed. Stat. Annot. 148.

[*Rolls of citizenship of Five Civilized Tribes — penalty for illegally copying, etc. — authorized copies — Mississippi Choctaws — enrolment.*] * * * That the Secretary of the Interior shall upon completion of the approved rolls, have prepared and printed in a permanent record book such rolls of the Five Civilized Tribes and that one copy of such record book shall be deposited in the office of the recorder in each of the recording districts for public inspection. That any person who shall copy any roll of citizenship of the Creek, Cherokee, Choctaw, Chickasaw, or Seminole tribes of Indians, prepared by or under the direction of the Secretary of the Interior, the Commission to the Five Civilized

Tribes or the Commissioner to the Five Civilized Tribes, whether completed or not, or any person who shall, directly or indirectly, exhibit, sell, offer to sell, give away, offer to give away, or in any manner or by any means offer to dispose of, or who shall have in his possession, any such roll or rolls, any copy of the same, or a copy of any portion thereof, shall be deemed guilty of a misdemeanor, and punished by imprisonment for not exceeding two years: *Provided*, That this Act shall not apply to any persons authorized by the Secretary of the Interior, the Commissioner of Indian Affairs, or the Commissioner to the Five Civilized Tribes to copy, exhibit, or use such rolls, or a copy thereof, for any purpose necessary or required by law. No distinction shall be made in the enrollment of full-blood Mississippi Choctaws who have been identified by the United States Commission to the Five Civilized Tribes, and who had removed to the Indian Territory prior to March fourth, nineteen hundred and six, and who shall furnish proof thereof. [*34 Stat. L. 340.*]

[*Terms of court at town of Wilburton — recording district No. 30 established — recording district No. 27 established — court at Bartlesville — recording district No. 28 established — court at Tulsa — attached to western district — court at Duncan — recording district No. 29 established — court at Duncan.*] * * * That, in addition to the places now provided by law for holding courts in the central judicial district of the Indian Territory, terms of the district court of the central district shall hereafter be held at the town of Wilburton, and the United States judge of said central district is hereby authorized to establish by metes and bounds a recording district for said court to be known as recording district numbered thirty. That all laws regulating the holding of courts in the Indian Territory shall be applicable to the court hereby created at the town of Wilburton. That there is hereby created in the Cherokee Nation, Indian Territory, an additional recording district, to be known as district numbered twenty-seven. Said district shall be bounded as follows: Beginning at the northwest corner of the Cherokee Nation, thence east along the north boundary line of the Cherokee Nation to the northeast corner of section seventeen, in township twenty-nine north, of range fourteen east; thence south to the township line at the corner of section thirty-two; thence west along said township line to the northeast corner of section four, in township twenty-eight north, of range fourteen east; thence south with the section line to the township line between townships twenty-three and twenty-four; thence west to the dividing line between the Osage and Cherokee nations; thence north along said dividing line between the Osage and Cherokee nations to the place of beginning. That not less than two terms of court in each year shall be held at the town of Bartlesville, in said recording district numbered twenty-seven, and a United States commissioner's court shall be established in said recording district numbered twenty-seven and maintain an office at Bartlesville, in said district, and an Act of Congress entitled "An Act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February nineteenth, nineteen hundred and three, shall have the same force and effect in said district numbered twenty-seven as it has in the districts created by said Act approved February nineteenth, nineteen hundred and three. That there is hereby created in Indian Territory an additional recording district, to be known as recording district numbered twenty-eight. Said district shall be bounded as follows: Beginning at the southwest corner of the Cherokee Nation; thence north along the western boundary line of the Cherokee Nation to the township line between townships twenty-three and twenty-four north; thence east along the township line between town-

ships twenty-three and twenty-four north to the range line between ranges fourteen and fifteen east; thence south along the range line between ranges fourteen and fifteen east to the township line between townships sixteen and seventeen north; thence west along the township line between townships sixteen and seventeen north to the range line between ranges twelve and thirteen east; thence north along the range line between ranges twelve and thirteen east to the township line between townships eighteen and nineteen north; thence west along the township line between townships eighteen and nineteen north to the range line between ranges ten and eleven east; thence north along said range line to the Arkansas River; thence northwest up said river to a point where it crosses the north line of the Creek Nation; thence east along the north line of the Creek Nation to the place of beginning. That the judge of the western judicial district of Indian Territory shall hold not less than three terms of court in each year at the town of Tulsa, in said recording district numbered twenty-eight; and a United States commissioner's court shall be established and maintained in said recording district numbered twenty-eight, which commissioner shall maintain his office at Tulsa, in said district, and an Act of Congress entitled "An Act providing for the recording of deeds and other conveyances and instruments in writing in Indian Territory, and for other purposes," approved February nineteenth, nineteen hundred and three, shall have the same force and effect in said recording district numbered twenty-eight as it has in the districts created by the said Act approved February nineteenth, nineteen hundred and three. That all that portion of territory included in said recording district numbered twenty-eight, as herein defined, lying within the boundaries of the Cherokee Nation, and being now a part of the northern judicial district of Indian Territory, shall become, and the same is hereby, attached to and made a part of the western judicial district of Indian Territory; and all of the power, authority, and jurisdiction of the United States court of the western judicial district of Indian Territory and of the judges and marshals thereof are hereby extended to and put in force over all the territory included within the boundaries of said twenty-eighth recording district as herein defined and established. That in addition to the places now provided by law for holding courts in the southern judicial district of Indian Territory courts shall be held in the town of Duncan, and all laws regulating the holding of the courts in the Indian Territory shall be applicable to the said court hereby created in the said town of Duncan. That the territory next hereinafter described shall be known as recording district numbered twenty-nine, beginning at a point where township line between townships two and three north reaches the east boundary line of Oklahoma Territory; thence east on said township line twenty-four miles to where it intersects with range line three and four west; thence south on said range line twelve miles to where it intersects the base line between townships one north and one south; thence east along said base line six miles to the range line between ranges two and three west; thence south twelve miles along said range line to the township line between townships two and three south; thence west thirty miles along said township line to where it intersects with the east line of Oklahoma Territory; thence north along said line twenty-four miles to the place of beginning; and the place of recording and holding court in said district shall be Duncan. [34 Stat. L. 342.]

The Act of Feb. 19, 1903, above referred to, is set forth in 10 Fed. Stat. Annot. 130.

[*Employee of commission not allowed to practice as agent, etc.*] * * *
That no person who has been, now is or may hereafter be an employee of the Government under the Commission to the Five Civilized Tribes, or its suc-

cessor, shall be permitted to practice in any manner as an agent or attorney before the Commissioner to the Five Civilized Tribes within two years after said person shall cease to be an employee of the Government. [34 Stat. L. 345.]

[*Coal lands — investigation of Choctaw and Chickasaw — use of information.*] * * * That the Secretary of the Interior is hereby authorized and directed to make practical and exhaustive investigation of the character, extent and value of the coal deposits in and under the segregated coal lands of the Choctaw and Chickasaw nations, Indian Territory; and the expense thereof, not exceeding the sum of fifty thousand dollars, shall be paid out of the funds of the Choctaw and Chickasaw nations in the Treasury of the United States: *Provided*, That any and all information obtained under the provisions of this Act shall be available at all times for the use of the Congress and its committees. [34 Stat. L. 346.]

[*Allotment to children born since prior allotment — trust patents.*] * * * That the Secretary of the Interior shall cause all the surplus unallotted lands of the Sac and Fox of Missouri tribe to be allotted to those members born since the completion of allotments to said tribe and alive and in being on June thirtieth, nineteen hundred and six, as near as may be an equal quantity of land in acres, and to issue patents therefor in fee simple, or under the provisions of the fifth section of the Act of Congress approved February eighth, eighteen hundred and eighty-seven, Twenty-fourth Statutes at Large, page three hundred and eighty-eight, in his discretion. [34 Stat. L. 349.]

The Act of Feb. 8, 1887, above referred to, is given in 3 Fed. Stat. Annot. 492.

[*Alienation restrictions removed — leases by nonresident allottees — lands of minors.*] * * * All restrictions as to sale and incumbrance of all lands, inherited and otherwise, of all adult Kickapoo Indians, and of all Shawnee, Delaware, Caddo, and Wichita Indians who have heretofore been or are now known as Indians of said tribes, affiliating with said Kickapoo Indians now or hereafter nonresident in the United States, who have been allotted land in Oklahoma or Indian Territory are hereby removed: *Provided*, That any such Indian allottee who is a nonresident of the United States may lease his allotment without restrictions for a period not exceeding five years: *Provided further*, That the parent or the person next of kin having the care and custody of a minor allottee may lease the allotment of said minor as herein provided, except that no such lease shall extend beyond the minority of said allottee. [34 Stat. L. 363.]

[*Allotments for religious, etc., work — patents authorized — payment to Indians.*] * * * That any missionary society or religious organization now occupying, under proper authority, for religious or educational work among the Indians, any of the lands in the Territory of Oklahoma heretofore ceded to the United States by the Indians theretofore occupying the same, and reserved to such societies or organizations for such religious uses on the schedules of allotments approved by the Secretary of the Interior, shall have the right for two years within which to make application for a patent therefor; and the Secretary of the Interior is hereby authorized and directed, upon such application, to issue patents in fee to such religious societies or organizations, severally, for the lands so occupied, not to exceed one hundred and sixty acres to any one institution: *Provided*, That where such Indians, in their agreement under which the lands were ceded and allotted, reserved to themselves a reversionary interest

in such lands, such religious society or organization shall pay therefor a fair valuation to be fixed by the Secretary of the Interior, not to be less than the price paid such Indians by the United States for the lands so ceded, and the proceeds therefrom shall be placed to the credit of the tribes or bands by whom such lands were ceded. [34 Stat. L. 365.]

[*Osage reservation — limit of credit allowed by traders, increased.*] * * * That the Indian appropriation Act of March third, nineteen hundred and one (Thirty-first Statutes, page one thousand and sixty-five), be amended so as to read as follows: "That it shall be unlawful hereafter for the traders upon the Osage Indian Reservation to give credit to any individual Indian, head of a family, to an amount greater than seventy-five per centum of the next quarterly annuity to which such Indian will be entitled." [34 Stat. L. 366.]

[*Klamath Reservation — agreement — lands ceded — payment to Indians — per capita distribution — expenditure for irrigation, cattle, etc. — non-irrigable lands — additional payments — treaty benefits — effect — ratification and appropriation — railroad grant lands in Klamath Reservation — exchange authorized — power plants, mills, etc.*] * * * Whereas James McLaughlin, an Indian inspector for and on behalf of the Secretary of the Interior, under and by virtue of an Act of Congress approved July first, eighteen hundred and ninety-eight (Thirtieth United States Statute Laws, page five hundred and seventy-one), entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," did, on the seventeenth day of June, nineteen hundred and one, make and conclude an agreement with the Klamath and Modoc tribes and Yahooskin band of Snake Indians, residing on the Klamath Indian Reservation, in the State of Oregon, which agreement is as follows: This agreement, made and entered into on the seventeenth day of June, nineteen hundred and one, by and between James McLaughlin, U. S. Indian inspector, on the part of the United States, and the Klamath and Modoc tribes and Yahooskin band of Snake Indians belonging to the Klamath Indian Agency, in the State of Oregon, witnesseth:

ARTICLE I. The said Klamath and other Indians belonging to the Klamath Agency, Oregon, for the consideration hereinafter named, do hereby cede, surrender, grant, and convey to the United States all their claim, right, title, and interest in and to all that part of the Klamath Indian Reservation lying between the boundaries described in the treaty with said Indians concluded October fourteenth, eighteen hundred and sixty-four, and proclaimed February seventeenth, eighteen hundred and seventy, as confirmed by the Klamath boundary commission in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six, and the reservation boundary lines as established by the survey approved in eighteen hundred and eighty-eight by the General Land Office, the tract of land hereby ceded and relinquished comprising six hundred and twenty-one thousand eight hundred and twenty-four acres.

ARTICLE II. In consideration of the land ceded, relinquished, and conveyed by Article I of this agreement, and in full of all claims and demands of said Klamath and other Indians arising or growing out of the erroneous survey of the outboundaries of their reservation in eighteen hundred and seventy-one, the United States stipulates and agrees to pay to and expend for said Indians, in the manner hereinafter provided, the sum of five hundred and thirty-seven thousand and seven dollars and twenty cents (\$537,007.20), being at the rate of

eighty-six and $\frac{86}{100}$ (.86 $\frac{86}{100}$) cents per acre, the price awarded for said lands by the Klamath boundary commissioners in their report to the Secretary of the Interior, dated December eighteenth, eighteen hundred and ninety-six.

ARTICLE III. It is agreed that of the amount to be paid to the said Klamath and other Indians, as stipulated in Article II of this agreement, the sum of twenty-five thousand dollars shall be paid in cash pro rata, share and share alike, to each man, woman, and child belonging to said Klamath, and other tribes and under the jurisdiction of the Klamath Indian Agency, within one hundred and fifty days from and after the date of the ratification of this agreement, and the sum of three hundred and fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of said Indians, and shall draw interest at the rate of five per centum per annum, which interest shall be paid to said Indians annually per capita in cash, and that the remainder of said sum of five hundred and thirty-seven thousand and seven dollars and twenty cents, after the payment of the legal fees of attorneys having duly approved contracts, shall be expended for the benefit of said Indians, under the direction of the Secretary of the Interior, upon requisition of the Indians through the U. S. Indian Agent, in the drainage and irrigation of their lands, and the purchase of stock cattle for issue to said Indians, and for such other purposes as may, in his opinion best promote their welfare: *Provided*, That beneficiaries whose allotments will not be benefited by the irrigation systems constructed under this provision shall not bear any of the expense of such irrigation construction, and shall, as nearly as practicable, receive an equivalent in value of the stock cattle or other articles herein contemplated, that each beneficiary may thus receive his or her proportionate share of the benefits of this provision: *And provided further*, That in addition to the interest on the fund deposited in the U. S. Treasury, the Secretary of the Interior may, in his discretion, expend for the benefit of said Indians, including reasonable cash payments per capita, not to exceed ten per centum per annum of the principal fund, upon a majority of the male adult Indians of Klamath Agency petitioning for same through the Commissioner of Indian Affairs.

ARTICLE IV. It is understood that nothing in this agreement shall be construed to deprive the said Klamath and other Indians of the Klamath Agency of any benefits to which they are entitled under existing treaties, not inconsistent with the provisions of this agreement.

ARTICLE V. This agreement shall take effect and be in force when signed by U. S. Indian Inspector James McLaughlin, and by a majority of the male adult Indians, parties thereto, and when approved by the Secretary of the Interior and accepted and ratified by the Congress of the United States.

For the purpose of carrying into effect the foregoing agreement the sum of five hundred and thirty-seven thousand and seven dollars and twenty cents is hereby appropriated out of any money in the Treasury not otherwise appropriated, and the said agreement is hereby ratified and confirmed. Of the said sum so appropriated, three hundred and fifty thousand dollars shall be deposited in the Treasury of the United States to the credit of said Indians and the remainder shall be expended as provided in the third article of said agreement. That the Secretary of the Interior be, and is hereby, authorized, in his discretion, to exchange the whole of the odd numbered sections and parts thereof in the Klamath Indian Reservation in the State of Oregon, now held in private ownership under the final decree and decision of the Supreme Court of the United States, affirming the title of the California and Oregon Land Company thereto, in the suit of the United States against said company as reported in volume one hundred and ninety-two, at page three hundred and fifty-five, of the

decisions of said court, and aggregating one hundred and eleven thousand three hundred and eighty-five acres, for other lands not exceeding eighty-seven thousand acres, situate in one or more compact bodies, in townships thirty-one and thirty-two south, of ranges eleven, twelve, and thirteen east in said reservation, said lands so taken in exchange to be selected, subject to the approval of the Secretary of the Interior; and in order to facilitate such exchange and the development of the lands to be so taken thereunder there may also be selected in like manner and as part of the quantity aforesaid other lands in said reservation for the location, construction, and operation of mills and power plants, and with the right to construct railroads, dams, reservoirs, and power-transmission lines, subject to the provisions of existing law and such rules and regulations as the Secretary of the Interior may prescribe thereunder. And when such exchange is effected patents for the lands so selected and approved shall issue therefor. [34 Stat. L. 367.]

An Act For the division of the lands and funds of the Osage Indians in Oklahoma Territory, and for other purposes.

[Act of June 28, 1906, ch. 3572, 34 Stat. L. 539.]

[SEC. 1.] [*Osage Indians, Okla. — division of tribal land, etc. — tribal roll — fraudulent enrolment — restriction — revision of roll — decision of secretary final.*] That the roll of the Osage tribe of Indians, as shown by the records of the United States in the office of the United States Indian agent at the Osage Agency, Oklahoma Territory, as it existed on the first day of January, nineteen hundred and six, and all children born between January first, nineteen hundred and six, and July first, nineteen hundred and seven, to persons whose names are on said roll on January first, nineteen hundred and six, and all children whose names are not now on said roll, but who were born to members of the tribe whose names were on the said roll on January first, nineteen hundred and six, including the children of members of the tribe who have, or have had, white husbands, is hereby declared to be the roll of said tribe and to constitute the legal membership thereof: *Provided*, That the principal chief of the Osages shall, within three months from and after the approval of this Act, file with the Secretary of the Interior a list of the names which the tribe claims were placed upon the roll by fraud, but no name shall be included in said list of any person or his descendants that was placed on said roll prior to the thirty-first day of December, eighteen hundred and eighty-one, the date of the adoption of the Osage constitution, and the Secretary of the Interior, as early as practicable, shall carefully investigate such cases and shall determine which of said persons, if any, are entitled to enrollment; but the tribe must affirmatively show what names have been placed upon said roll by fraud; but where the rights of persons to enrollment to the Osage roll have been investigated by the Interior Department and it has been determined by the Secretary of the Interior that such persons were entitled to enrollment, their names shall not be stricken from the roll for fraud except upon newly discovered evidence; and the Secretary of the Interior shall have authority to place on the Osage roll the names of all persons found by him, after investigation, to be so entitled, whose applications were pending on the date of the approval of this Act; and the said Secretary of the Interior is hereby authorized to strike from the said roll the names of persons or their descendants which he finds were placed thereon by or through fraud, and the said roll as above provided, after the revision and approval of the

Secretary of the Interior, as herein provided, shall constitute the approved roll of said tribe; and the action of the Secretary of the Interior in the revision of the roll as herein provided shall be final, and the provisions of the Act of Congress of August fifteenth, eighteen hundred and ninety-four, Twenty-eighth Statutes at Large, page three hundred and five, granting persons of Indian blood who have been denied allotments the right to appeal to the courts, are hereby repealed as far as the same relate to the Osage Indians; and the tribal lands and tribal funds of said tribe shall be equally divided among the members of said tribe as hereinafter provided. [34 Stat. L. 539.]

SEC. 2. [*Division of lands.*] That all lands belonging to the Osage tribe of Indians in Oklahoma Territory, except as herein provided, shall be divided among the members of said tribe, giving to each his or her fair share thereof in acres, as follows:

First. [*First selection — filing notice — time limit — ratification — failure to select — first selections for minors — parents may select — time of selection.*] Each member of said tribe, as shown by the roll of membership made up as herein provided, shall be permitted to select one hundred and sixty acres of land as a first selection; and the adult members shall select their first selections and file notice of the same with the United States Indian agent for the Osages within three months after the approval of this Act: *Provided*, That all selections of lands heretofore made by any member of said tribe, against which no contest is pending, be, and the same are hereby, ratified and confirmed as one of the selections of such member. And if any adult member fails, refuses, or is unable to make such selection within said time, then it shall be the duty of the United States Indian agent for the Osages to make such selection for such member or members, subject to the approval of the Secretary of the Interior. Then all said first selections for minors shall be made by the United States Indian agent for the Osages, subject to the approval of the Secretary of the Interior: *Provided*, That said first selections for minors having parents may be made by said parents, and the word "minor" or "minors" used in this Act shall be held to mean those who are under twenty-one years of age: *And provided further*, That all children born to members of said tribe between January first, nineteen hundred and six, and the first day of January, nineteen hundred and seven, shall have their selections made for them within six months after approval of this Act, or within six months after their respective births. That all children born to members of said tribe on and after the first day of January, nineteen hundred and seven, and before the first day of July, nineteen hundred and seven, shall have their selections made for them on or before the last day of July, nineteen hundred and seven, the proof of birth of such children to be made to the United States Indian agent for the Osages.

Second. [*Prior rights protected — disposal of improvements.*] That in making his or her first selection of land, as herein provided for, a member shall not be permitted to select land already selected by, or in possession of, another member of said tribe as a first selection, unless such other member is in possession of more land than he and his family are entitled to for first selections under this Act; and in such cases the member in possession and having houses, orchards, barns, or plowed land thereon shall have the prior right to make the first selection: *Provided*, That where members of the tribe are in possession of more land than they are entitled to for first selections herein, said members shall have sixty days after the approval of this Act to dispose of the improvements on said lands to other members of the tribe.

Third. [*Second selection.*] After each member has selected his or her first selection as herein provided, he or she shall be permitted to make a second selection of one hundred and sixty acres of land in the manner herein provided for the first selection.

Fourth. [*Third selection — surveys — homesteads inalienable, etc. — surplus lands.*] After each member has selected his or her second selection of one hundred and sixty acres of land as herein provided, he or she shall be permitted to make a third selection of one hundred and sixty acres of land in the manner herein provided for the first and second selections: *Provided*, That all selections herein provided for shall conform to the existing public surveys in tracts of not less than forty acres, or a legal subdivision of a less amount, designated a "lot." Each member of said tribe shall be permitted to designate which of his three selections shall be a homestead, and his certificate of allotment and deed shall designate the same as a homestead, and the same shall be inalienable and nontaxable until otherwise provided by Act of Congress. The other two selections of each member, together with his share of the remaining lands allotted to the member, shall be known as surplus land, and shall be inalienable for twenty-five years, except as hereinafter provided.

Fifth. [*Disposal of remaining lands.*] After each member has selected his or her first, second, and third selections of one hundred and sixty acres of land, as herein provided, the remaining lands of said tribe in Oklahoma Territory, except as herein provided, shall be divided as equally as practicable among said members by a commission to be appointed to supervise the selection and division of said Osage lands.

Sixth. [*Commission — duties — expenses.*] The selection and division of lands herein provided for shall be made under the supervision of, or by, a commission consisting of one member of the Osage tribe, to be selected by the Osage council, and two persons to be selected by the Commissioner of Indian Affairs subject to the approval of the Secretary of the Interior; and said commission shall settle all controversies between members of the tribe relative to said selections of land; and the schedules of said selections and division of lands herein provided for shall be subject to the approval of the Secretary of the Interior. The surveys, salaries of said commission, and all other proper expenses necessary in making the selections and division of land as herein provided shall be paid by the Secretary of the Interior, out of any Osage funds derived from the sale of town lots, royalties from oil, gas, or other minerals, or rents from grazing land.

Seventh. [*Authority to sell selected lands — homesteads excepted — taxation, etc. — sale of oil, etc., lands prohibited — individual ownership after twenty-five years.*] That the Secretary of the Interior, in his discretion, at the request and upon the petition of any adult member of the tribe, may issue to such member a certificate of competency, authorizing him to sell and convey any of the lands deeded him by reason of this Act, except his homestead, which shall remain inalienable and nontaxable for a period of twenty-five years, or during the life of the homestead allottee, if upon investigation, consideration, and examination of the request he shall find any such member fully competent and capable of transacting his or her own business and caring for his or her own individual affairs: *Provided*, That upon the issuance of such certificate of competency the lands of such member (except his or her homestead) shall become subject to taxation, and such member, except as herein provided, shall have the

right to manage, control, and dispose of his or her lands the same as any citizen of the United States: *Provided*, That the surplus lands shall be nontaxable for the period of three years from the approval of this Act, except where certificates of competency are issued or in case of the death of the allottee, unless otherwise provided by Congress: *And provided further*, That nothing herein shall authorize the sale of the oil, gas, coal, or other minerals covered by said lands, said minerals being reserved to the use of the tribe for a period of twenty-five years, and the royalty to be paid to said tribe as hereinafter provided: *And provided further*, That the oil, gas, coal, and other minerals upon said allotted lands shall become the property of the individual owner of said land at the expiration of said twenty-five years, unless otherwise provided for by Act of Congress.

Eighth. [*Sisters of Saint Francis — land donated to — lands reserved near Gray Horse.*] There shall be reserved from selection and division, as herein provided, one hundred and sixty acres on which the Saint Louis School, near Pawhuska, is located, and the one hundred and sixty acres on which the Saint John's School, on Hominy Creek, Osage Indian Reservation, is located, said tracts to conform to the public surveys; and said tracts of land are hereby set aside and donated to the order of the Sisters of Saint Francis; and said tracts shall be conveyed to said order, the Sisters of Saint Francis, as early as practicable, by deed. There shall also be reserved from selection and division forty acres of land near Gray Horse, to be designated by the Secretary of the Interior, on which are located the dwelling houses of John N. Florer, Walter O. Florer, and John L. Bird; and said John N. Florer shall be allowed to purchase said forty acres at the appraised value placed thereon by the Osage Allotting Commission, the proceeds of the sale to be placed to the credit of the Indians and to be distributed like other funds herein provided for.

Ninth. [*Lands reserved for dwelling purposes — sale of reserved lands.*] There shall be reserved from selection and division, as herein provided, the northeast quarter of section three, township twenty-five, range nine east, of the Indian meridian, and one hundred and sixty acres to conform to the public survey at the town of Gray Horse, including the Government doctor's building, other valuable buildings, and the cemetery, and the one hundred and sixty acres to conform to the public survey, adjoining or near the town site of Hominy; said lands or tracts are hereby set aside for the use and benefit of the Osage Indians, exclusively, for dwelling purposes, for a period of twenty-five years from and after the first day of January, nineteen hundred and seven: *Provided*, That said land may, in the discretion of the Osage tribe, be sold under such rules and regulations as the Secretary of the Interior may prescribe; and the proceeds of the same under such sale shall be apportioned and placed to the credit of the individual members of the tribe according to the roll herein provided for.

Tenth. [*Osage boarding school reserve, etc. — sale of — proceeds.*] The Osage Boarding School reserve of eighty-seven and five-tenth acres, and the reservoir reserve of seventeen and three-tenths acres, and the agent's residence reserve, together with all the buildings located on said reservations in the town site of Pawhuska, as shown by the official plat of the same, are hereby reserved from selection and division as herein provided; and the same may be sold in the discretion of the Osage tribe, under such rules and regulations as the Secretary of the Interior may provide; and the proceeds of such sale shall be apportioned and placed to the credit of the individual members of said tribe according to the roll herein provided for.

Eleventh. [*Sale of government buildings, etc. — erection of new buildings — buildings reserved from sale.*] That the United States Indian agent's office building, the Osage council building, and all other buildings which are for the occupancy and use of Government employees, in the town of Pawhuska, together with the lots on which the said buildings are situated, shall be sold to the highest bidder as early as practicable, under such rules and regulations as the Secretary of the Interior may prescribe; and with the proceeds he shall erect other suitable buildings for the uses mentioned, on such sites as he may select, the remaining proceeds, if any, to be placed to the credit of the individual members of the Osage tribe of Indians: *Provided*, That the house known as the chief's house, together with the lot or lots on which said house is located, and the house known as the United States interpreter's house, in Pawhuska, Oklahoma Territory, together with the lot or lots on which said houses are located, shall be reserved from sale to the highest bidder and shall be sold to the principal chief of the Osages and the United States interpreter for the Osages, respectively, at the appraised value of the same, said appraisement to be made by the Osage town-site commission, subject to the approval of the Secretary of the Interior.

Twelfth. [*Cemetery reserve donated to Pawhuska — reversion.*] That the cemetery reserve of twenty acres in the town site of Pawhuska, as shown by the official plat thereof, is hereby set aside and donated to the town of Pawhuska for the purposes of sepulture, on condition that if said cemetery reserve of twenty acres, or any part thereof, is used for purposes other than that of sepulture, the whole of said cemetery reserve of twenty acres shall revert to the use and benefit of the individual members of the Osage tribe, according to the roll herein provided, or to their heirs; and said tract shall be conveyed to the said town of Pawhuska by deed, and said deed shall recite and set out in full the conditions under which the above donation and conveyance are made.

[*Osage town-site commission — present law not affected.*] That the provisions of an Act entitled "An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, nineteen hundred and six, and for other purposes," approved March third, nineteen hundred and five, relating to the Osage Reservation, pages one thousand and sixty-one and one thousand and sixty-two, volume thirty-three, United States Statutes at Large, be, and the same are hereby, continued in full force and effect. [34 Stat. L. 540.]

SEC. 3. [*Oil and mineral lands — leases — royalties — prospecting restricted — existing contracts, etc., not affected.*] That the oil, gas, coal, or other minerals covered by the lands for the selection and division of which provision is herein made are hereby reserved to the Osage tribe for a period of twenty-five years from and after the eighth day of April, nineteen hundred and six; and leases for all oil, gas, and other minerals, covered by selections and division of land herein provided for, may be made by the Osage tribe of Indians through its tribal council, and with the approval of the Secretary of the Interior, and under such rules and regulations as he may prescribe: *Provided*, That the royalties to be paid to the Osage tribe under any mineral lease so made shall be determined by the President of the United States: *And provided further*, That no mining or prospecting for any of said mineral or minerals shall be permitted on the homestead selections herein provided for without the written consent of the Secretary of the Interior: *Provided, however*,

That nothing herein contained shall be construed as affecting any valid existing lease or contract. [34 Stat. L. 543.]

SEC. 4. [*Trust fund.*] That all funds belonging to the Osage tribe, and all moneys due, and all moneys that may become due, or may hereafter be found to be due the said Osage tribe of Indians, shall be held in trust by the United States for the period of twenty-five years from and after the first day of January, nineteen hundred and seven, except as herein provided:

First. [*Segregation of funds — pro rata division — interest payments — misuse of interest money of minors — payments to guardians.*] That all the funds of the Osage tribe of Indians, and all the moneys now due or that may hereafter be found to be due to the said Osage tribe of Indians, and all moneys that may be received from the sale of their lands in Kansas under existing laws, and all moneys found to be due to said Osage tribe of Indians on claims against the United States, after all proper expenses are paid, shall be segregated as soon after January first, nineteen hundred and seven, as is practicable and placed to the credit of the individual members of the said Osage tribe on a basis of a pro rata division among the members of said tribe, as shown by the authorized roll of membership as herein provided for, or to their heirs as hereinafter provided, said credit to draw interest as now authorized by law; and the interest that may accrue thereon shall be paid quarterly to the members entitled thereto, except in the case of minors, in which case the interest shall be paid quarterly to the parents until said minor arrives at the age of twenty-one years: *Provided*, That if the Commissioner of Indian Affairs becomes satisfied that the said interest of any minor is being misu[s]ed or squandered he may withhold the payment of such interest: *And provided further*, That said interest of minors whose parents are deceased shall be paid to their legal guardians, as above provided.

Second. [*Deposit of funds to credit of Indians — distribution of.*] That the royalty received from oil, gas, coal, and other mineral leases upon the lands for which selection and division are herein provided, and all moneys received from the sale of town lots, together with the buildings thereon, and all moneys received from the sale of the three reservations of one hundred and sixty acres each heretofore reserved for dwelling purposes, and all moneys received from grazing lands, shall be placed in the Treasury of the United States to the credit of the members of the Osage tribe of Indians as other moneys of said tribes are to be deposited under the provisions of this Act, and the same shall be distributed to the individual members of said Osage tribe according to the roll provided for herein, in the manner and at the same time that payments are made of interest on other moneys held in trust for the Osages by the United States, except as herein provided.

Third. [*Royalties reserved for school purposes.*] There shall be set aside from the royalties received from oil and gas not to exceed fifty thousand dollars per annum for ten years from the first day of January, nineteen hundred and seven, for the support of the Osage Boarding School and for other schools on the Osage Indian Reservation conducted or to be established and conducted for the education of Osage children.

Fourth. [*For agency purposes.*] There shall be set aside and reserved from the royalties received from oil, gas, coal, or other mineral leases, and moneys received from the sale of town lots, and rents from grazing lands not to exceed thirty thousand dollars per annum for agency purposes and an emergency fund

for the Osage tribe, which shall be paid out from time to time, upon the requisition of the Osage tribal council, with the approval of the Secretary of the Interior. [34 Stat. L. 544.]

SEC. 5. [*Termination of trust fund.*] That at the expiration of the period of twenty-five years from and after the first day of January, nineteen hundred and seven, the lands, mineral interests, and moneys, herein provided for and held in trust by the United States shall be the absolute property of the individual members of the Osage tribe, according to the roll herein provided for, or their heirs, as herein provided, and deeds to said lands shall be issued to said members, or to their heirs, as herein provided, and said moneys shall be distributed to said members, or to their heirs, as herein provided, and said members shall have full control of said lands, moneys, and mineral interests, except as hereinbefore provided. [34 Stat. L. 544.]

SEC. 6. [*Right of inheritance — exception.*] That the lands, moneys, and mineral interests, herein provided for, of any deceased member of the Osage tribe shall descend to his or her legal heirs, according to the laws of the Territory of Oklahoma, or of the State in which said reservation may be hereinafter incorporated, except where the decedent leaves no issue, nor husband nor wife, in which case said lands, moneys, and mineral interests must go to the mother and father equally. [34 Stat. L. 545.]

SEC. 7. [*Leases for farming purposes — parents to control minors' lands — approval of leases.*] That the lands herein provided for are set aside for the sole use and benefit of the individual members of the tribe entitled thereto, or to their heirs, as herein provided; and said members, or their heirs, shall have the right to use and to lease said lands for farming, grazing, or any other purpose not otherwise specifically provided for herein, and said members shall have full control of the same, including the proceeds thereof: *Provided*, That parents of minor members of the tribe shall have the control and use of said minors' lands, together with the proceeds of the same, until said minors arrive at their majority: *And provided further*, That all leases given on said lands for the benefit of the individual members of the tribe entitled thereto, or for their heirs, shall be subject only to the approval of the Secretary of the Interior. [34 Stat. L. 545.]

SEC. 8. [*Deeds.*] That all deeds to said Osage lands or any part thereof shall be executed by the principal chief for the Osages, but no such deeds shall be valid until approved by the Secretary of the Interior. [34 Stat. L. 545.]

SEC. 9. [*Tribal officers — elections, etc.*] That there shall be a biennial election of officers for the Osage tribe as follows: A principal chief, an assistant principal chief, and eight members of the Osage tribal council, to succeed the officers elected in the year nineteen hundred and six, said officers to be elected at a general election to be held in the town of Pawhuska, Oklahoma Territory, on the first Monday in June; and the first election for said officers shall be held on the first Monday in June, nineteen hundred and eight, in the manner to be prescribed by the Commissioner of Indian Affairs, and said officers shall be elected for a period of two years, commencing on the first day of July following said election, and in case of a vacancy in the office of principal chief, by death, resignation, or otherwise, the assistant principal chief shall succeed to said office, and all vacancies in the Osage tribal council shall be filled in a manner to be prescribed by the Osage tribal council, and the Secretary of the Interior is hereby authorized to remove from the council any member or members thereof for good cause, to be by him determined. [34 Stat. L. 545.]

SEC. 10. [*Public highways.*] That public highways or roads, two rods in width, being one rod on each side of all section lines, in the Osage Indian Reservation, may be established without any compensation therefor. [34 Stat. L. 545.]

SEC. 11. [*Lands for railroad purposes — restriction.*] That all lands taken or condemned by any railroad company in the Osage Reservation, in pursuance of any Act of Congress or regulation of the Department of the Interior, for rights of way, station grounds, side tracks, stock pens and cattle yards, water stations, terminal facilities, and any other railroad purpose, shall be, and are hereby, reserved from selection and allotment and confirmed in such railroad companies for their use and benefit in the construction, operation, and maintenance of their railroads: *Provided*, That such railroad companies shall not take or acquire hereby any right or title to any oil, gas, or other mineral in any of said lands. [34 Stat. L. 545.]

SEC. 12. [*Enforcement.*] That all things necessary to carry into effect the provisions of this Act not otherwise herein specifically provided for shall be done under the authority and direction of the Secretary of the Interior. [34 Stat. L. 545.]

An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and eight.

[Act of March 1, 1907, ch. 2285, 34 Stat. L. 1015.]

[SEC. 1.] [*Purchase of supplies to be advertised — exception — irrigation — open market purchases, etc. — work on irrigation projects — use of surplus for subsistence deficiencies — report of diversions — stock cattle from subsistence funds — treaty funds excluded — transfer of funds for employees, etc. — amount for supplies immediately available — transfer of property not in use.*]

* * * That no purchase of supplies for which appropriations are made herein, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in cases of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. And the employment of such Indians and the hiring of their property, in connection with the construction of any irrigation project under the Reclamation Service, shall be exempt from the provisions of sections thirty-seven hundred and nine and thirty-seven hundred and forty-four, Revised Statutes. That hereafter the Secretary of the Interior, under the direction of the President, may use any surplus that may remain in any of the said appropriations for the purchase of subsistence for the several Indian tribes, to an amount not exceeding twenty-five thousand dollars in the aggregate, to supply any subsistence deficiency that may occur: *Provided*, That any diversions which shall be made under

authority of this section shall be reported in detail, and the reason therefor, to Congress, at the session of Congress next succeeding such diversion: *Provided further*, That the Secretary of the Interior, under direction of the President, may use any sums appropriated in this Act for subsistence, and not absolutely necessary for that purpose, for the purchase of stock cattle for the benefit of the tribe for which such appropriation is made, and shall report to Congress, at its next session thereafter, an account of his action under this provision: *Provided further*, That funds appropriated to fulfill treaty obligations shall not be used. That hereafter when not required for the purpose for which appropriated, the funds provided for the pay of specified employees at any Indian agency may be used by the Secretary of the Interior for the pay of other employees at such agency, but no deficiency shall be thereby created; and, when necessary, specified employees may be detailed for other service when not required for the duty for which they were engaged; and that the several appropriations made for millers, blacksmiths, engineers, carpenters, physicians, and other persons, and for various articles provided for by treaty stipulation for the several Indian tribes, may be diverted to other uses for the benefit of said tribes, respectively, within the discretion of the President, and with the consent of said tribes, expressed in the usual manner; and that he cause report to be made to Congress, at its next session thereafter, of his action under this provision: *Provided*, That so much of the appropriations of any annual Indian appropriation Act as may be required to pay for goods and supplies, for expenses incident to their purchase, and for transportation of the same, for the fiscal year for which such appropriations are made, shall be immediately available, upon the approval of such Act, but no such goods or supplies shall be distributed or delivered to any of said Indians prior to the beginning of such fiscal year. That hereafter where there is Government property on hand at any of the Indian reservations or schools not required for the use or benefit of the Indians of said reservations or schools, the Secretary of the Interior is hereby authorized to move such property to other Indian reservations or schools where it may be required. [34 Stat. L. 1015.]

[*Commissioner of Indian affairs — payment of taxes from share of allottee in tribal funds — restriction.*] * * * In any case where the restrictions as to alienation have been removed with respect to any Indian allottee, or as to any portion of the lands of any Indian allottee, and such allottee as an individual, or as a member of any tribe, has an interest in any fund held by the United States beyond the amount by law chargeable to such Indian or tribe on account of advances, the Commissioner of Indian Affairs is hereby authorized, prior to the date at which any penalties for the nonpayment of taxes would accrue under the Laws of the State or Territory in which such land is situated, to pay such taxes and charge the amount thereof to such allottee, to be deducted from the share of such allottee in the final distribution or payment to him from such fund: *Provided*, That no such payment shall be made by said Commissioner where it is in excess of the amount which will ultimately be due said allottee. [34 Stat. L. 1016.]

[*Admission of white children to Indian schools — tuition fees — deposit of fees.*] * * * That hereafter white children may, under rules and regulations prescribed by the Commissioner of Indian Affairs, be admitted to any Indian day school: *Provided*, That the tuition fees charged for such children shall in no case exceed the tuition fees allowed or charged by the State or county in which such school is situated for the children admitted in the common schools of such State or county: *And provided further*. That all tuition fees paid for white children enrolled in Indian day schools shall be deposited in the United States

Treasury to reimburse the funds out of which the schools last mentioned are maintained. [34 Stat. L. 1018.]

[*Noncompetent Indians — sale of allotments — proceeds — fee title to issue.*] * * * That any noncompetent Indian to whom a patent containing restrictions against alienation has been issued for an allotment of land in severalty, under any law or treaty, or who may have an interest in any allotment by inheritance, may sell or convey all or any part of such allotment or such inherited interest on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe, and the proceeds derived therefrom shall be used for the benefit of the allottee or heir so disposing of his land or interest, under the supervision of the Commissioner of Indian Affairs; and any conveyance made hereunder and approved by the Secretary of the Interior shall convey full title to the land or interest so sold, the same as if fee-simple patent had been issued to the allottee. [34 Stat. L. 1018.]

An Act Providing for the allotment and distribution of Indian tribal funds.

[Act of March 2, 1907, ch. 2623, 34 Stat. L. 1221.]

[SEC. 1.] [*Indian tribal funds — allotment, etc., of, authorized to individual Indians — application — payment of existing claims.*] That the Secretary of the Interior is hereby authorized, in his discretion, from time to time, to designate any individual Indian belonging to any tribe or tribes whom he may deem to be capable of managing his or her affairs, and he may cause to be apportioned and allotted to any such Indian his or her pro rata share of any tribal or trust funds on deposit in the Treasury of the United States to the credit of the tribe or tribes of which said Indian is a member, and the amount so apportioned and allotted shall be placed to the credit of such Indian upon the books of the Treasury, and the same shall thereupon be subject to the order of such Indian: *Provided*, That no apportionment or allotment shall be made to any Indian until such Indian has first made an application therefor: *Provided further*, That the Secretaries of the Interior and of the Treasury are hereby directed to withhold from such apportionment and allotment a sufficient sum of the said Indian funds as may be necessary or required to pay any existing claims against said Indians that may be pending for settlement by judicial determination in the Court of Claims or in the Executive Departments of the Government, at time of such apportionment and allotment. [34 Stat. L. 1221.]

SEC. 2. [*Payment to helpless, etc., Indians.*] That the Secretary of the Interior is hereby authorized to pay any Indian who is blind, crippled, decrepit, or helpless from old age, disease, or accident, his or her share, or any portion thereof, of the tribal trust funds in the United States Treasury belonging to the tribe of which such Indian is a member, and of any other money which may hereafter be placed in the Treasury for the credit of such tribe and susceptible of division among its members, under such rules, regulations, and conditions as he may prescribe. [34 Stat. L. 1221.]

An Act Providing for the disposal of the interests of Indian minors in real estate in Yakima Indian Reservation, Washington.

[Act of March 27, 1908, ch. 107, 35 Stat. L. 49.]

[SEC. 1.] [*Yakima Indian Reservation, Wash. — sales of interests of minors in lands — patents in fee to purchasers.*] That the interests of any Indian minor in any lands of the Yakima Indian Reservation, State of Wash-

ington, whether by direct allotment or by inheritance, may be sold on such terms and conditions and under such rules and regulations as the Secretary of the Interior may prescribe; but such sale shall be only on approved petition of the natural guardian of such minor, if living, or if such natural guardian be dead, on the petition of a person designated by the Secretary of the Interior. All sales hereunder shall be subject to the approval of the Secretary of the Interior, and when so approved he shall cause patent to issue to the purchaser, passing unconditional fee by the United States as trustee for such minor to the interest of such minor in such lands, and such patent shall be considered, to the extent of the interest so conveyed, as a cancellation of any previous trust patent or patent containing restrictions on alienation issued to such minor or to any Indian allottee of whom such minor is an heir. Proceeds from sales hereunder shall be cared for under the direction of the Commissioner of Indian Affairs, and he may, in his discretion, cause shares of minors to be deposited in the Treasury of the United States to the individual credit of the said minors, to be withdrawn on the authority of the Secretary of the Interior. [35 Stat. L. 49.]

SEC. 2. [Repeal.] That all laws and parts of laws in conflict with this Act are hereby repealed. [35 Stat. L. 50.]

An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and nine.

[Act of April 30, 1908, ch. 153, 35 Stat. L. 70.]

[SEC. 1.] [Purchase of supplies for Indian service to be advertised — exception — irrigation — Indian labor.] * * * That no purchase of supplies for which appropriations are herein or hereinafter made for the Indian service, exceeding in the aggregate five hundred dollars in value at any one time, shall be made without first giving at least three weeks' public notice by advertisement, except in case of exigency, when, in the discretion of the Secretary of the Interior, who shall make official record of the facts constituting the exigency, and shall report the same to Congress at its next session, he may direct that purchases may be made in open market in amount not exceeding three thousand dollars at any one purchase: *Provided*, That hereafter supplies may be purchased, contracts let, and labor employed for the construction of artesian wells, ditches, and other works for irrigation, not to exceed the sum of five thousand dollars in any one purchase or contract, in the discretion of the Secretary of the Interior, without advertising as hereinbefore provided: *Provided further*, That as far as practicable Indian labor shall be employed and purchase in the open market made from Indians, under the direction of the Secretary of the Interior. [35 Stat. L. 71.]

[Disbursing officers' bonds — acceptance of new bond releases sureties on prior bond.] Hereafter when the Secretary of the Interior deems a new bond necessary he may, in his discretion, require any disbursing officer under the jurisdiction of the Commissioner of Indian Affairs to execute a new bond, with approved sureties, in such amount as he may deem necessary, and when accepted and approved by the Secretary of the Interior the new bond shall be valid and the surety or sureties of the prior bond shall be released from liability for all acts or defaults of the principal which may be done or committed from and after the day on which the new bond was approved. [35 Stat. L. 71.]

[*Five Civilized Tribes — buildings, etc., on lands of, may be sold — use of proceeds — patents in fee — preference rights — temporary leases.*] The Secretary of the Interior shall take possession of all buildings on lands belonging to the Five Civilized Tribes, now or heretofore used for governmental, school, or other tribal purposes, together with the furniture therein and the land appertaining thereto, and appraise and sell the same at such time and under such rules and regulations as he may prescribe and deposit the proceeds, less expenses incident to the appraisement and sale, in the Treasury of the United States, to the credit of the tribes respectively owning the said land and improvements, and immediately after any such sale patents for the realty thus sold shall be made and delivered in the same manner as now provided by law for other tribal property: *Provided*, That when practicable preference right shall be given to the State, counties and municipalities of Oklahoma to purchase said lands and improvements at the appraised value: *And provided*, That pending such appraisement and sale the Secretary of the Interior may temporarily lease said buildings and lands for the benefit of the tribes respectively to which they belong. [35 Stat. L. 71.]

[*Indian schools — supervision of expenditures — limit of per capita expense — total for school — annual compensation of superintendents restricted — disposal of nonreservation schools — investigation and report to Congress — banks of deposit for Indian funds — negotiations for commutation of perpetual annuities.*] * * * That all expenditure of money herein or hereafter appropriated for school purposes among the Indians, shall be at all times under the supervision and direction of the Commissioner of Indian Affairs, and in all respects in conformity with such conditions, rules, and regulations as to the conduct and methods of instruction and expenditure of money as may be from time to time prescribed by him, subject to the supervision of the Secretary of the Interior: *Provided*, That, except for pay of superintendents, not more than one hundred and sixty-seven dollars shall be expended for the annual support and education of any one pupil in any school herein specifically provided for, except when, by reason of epidemic, accident, or other sufficient cause, the attendance is so reduced or cost of maintenance so high that a larger expenditure is absolutely necessary, when the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may allow a larger per capita expenditure: *Provided further*, That the total amount appropriated for the support of such school shall not be exceeded: *Provided further*, That the number of pupils in any school entitled to the per capita allowance hereby provided for shall be determined by taking the average enrollment for the entire fiscal year and not any fractional part thereof.

There shall not be paid out of any appropriation, made in this Act, any greater rate of annual compensation to any superintendent of Indian schools during the fiscal year nineteen hundred and nine, than is authorized and paid out of appropriations made for the fiscal year nineteen hundred and eight.

The Commissioner of Indian Affairs is hereby authorized, under the direction of the Secretary of the Interior, to ascertain whether and upon what terms it may be possible to dispose of any of the nonreservation Indian schools which in his judgment are no longer of value to the Indian Service, and to report the result of his investigations to the next session of the Congress.

That hereafter any United States Indian agent, superintendent, or other disbursing agent of the Indian Service may deposit Indian moneys, individual or tribal, coming into his hands as custodian, in such national bank or banks as he may select: *Provided*, That the bank or banks so selected by him shall

first execute to said disbursing agent a bond, with approved surety, in such an amount as will properly safeguard the funds to be deposited. Such bond shall be subject to the approval of the Secretary of the Interior.

That the Commissioner of Indian Affairs is hereby authorized to send a special Indian agent, or other representative of his office, to visit any Indian tribe for the purpose of negotiating and entering into a written agreement with such tribe for the commutation of the perpetual annuities due under treaty stipulations, to be subject to the approval of Congress; and the Commissioner of Indian Affairs shall transmit to Congress said agreements with such recommendations as he may deem proper. [*35 Stat. L. 72.*]

[*Warehouses for goods of Indian Service — locations — transportation of Indian goods, etc. — basis for computing compensation.*] * * * That hereafter warehouses for the receipt, storage, and shipment of goods for the Indian Service shall be maintained at the following places: New York, Chicago, Omaha, Saint Louis, and San Francisco: *Provided further*, That hereafter payment for transportation of Indian goods and supplies shall include all Indian transportation lawfully due such land-grant railroads as have not received aid in Government bonds (to be adjusted in accordance with the decisions of the Supreme Court in cases decided under such land-grant Acts), but in no case shall more than fifty per centum of full amount of service be paid to said land-grant roads: *Provided*, That such compensation shall be computed upon the basis of the tariff or lower special rates for like transportation performed for the public at large, and shall be accepted as in full for all demands for such service: *Provided further*, That hereafter in expending money appropriated for this purpose a railroad company which has not received aid in bonds of the United States, and which obtained a grant of public lands to aid in the construction of its railroad on condition that such railroad should be a post route and military road, subject to the use of the United States for postal, military, naval, and other Government services, and also subject to such regulations as Congress may impose, restricting the charge for such Government transportation, having claims against the United States for transportation of Indian goods and supplies over such aided railroads, shall be paid out of the moneys appropriated for such purpose only on the basis of such rate for the transportation of such Indian goods and supplies as the Secretary of the Interior shall deem just and reasonable under the provisions set forth herein, such rate not to exceed fifty per centum of the compensation for such Government transportation as shall at that time be charged to and paid by private parties to any such company for like and similar transportation; and the amount so fixed to be paid shall be accepted as in full for all demands for such service. [*35 Stat. L. 73.*]

[*United States to pay cost of bonds of agents, etc.*] * * * That hereafter the expense of procuring the official bond of any agent, superintendent, or other disbursing officer of the Indian Service shall be paid by the United States. [*35 Stat. L. 75.*]

[*Irrigation projects over Indian lands.*] * * * That in carrying out any irrigation project which may be undertaken under the provisions of the Act of June seventeenth, nineteen hundred and two (Thirty-second Statutes, page three hundred and eighty-eight), known as the reclamation Act, and which may make possible, and provide for, in connection with the reclamation of other lands, the irrigation of all or any part of the irrigable lands heretofore included in allotments made to Indians under the fourth section of the general

allotment Act, the Secretary of the Interior be, and he hereby is, authorized to make such arrangement and agreement in reference thereto as said Secretary deems for the best interest of the Indians: *Provided*, That no lien or charge for construction, operation or maintenance shall thereby be created against any such reserved lands: *And provided further*, That to meet the necessary cost of carrying out this legislation, the Secretary of the Interior is authorized to expend, out of the sum appropriated in this Act for irrigation, an amount not exceeding thirteen thousand dollars. [35 Stat. L. 85.]

The Reclamation Act above mentioned is given in 10 Fed. Stat. Annot. 1098.

[*Five Civilized Tribes — restoration to final rolls — contracts with attorneys for services.*] * * * That contracts heretofore or hereafter made by and between persons stricken by the Secretary of the Interior from the final rolls of the Five Civilized Tribes, and attorneys employed by them to secure their restoration to said rolls, shall be valid and enforceable when approved by the Secretary of the Interior in their original or in such modified form as he may deem equitable and not otherwise; and such contracts as are approved as herein provided, when recorded in the county where such land is located shall be a lien, in the event of the restoration of such persons to the rolls against allotted lands or tribal funds of the persons so restored to or given rights upon said rolls. [35 Stat. L. 90.]

An Act For the removal of restrictions from part of the lands of allottees of the Five Civilized Tribes, and for other purposes.

[Act of May 27, 1906, ch. 109, 35 Stat. L. 312.]

[SEC. 1.] [*Five Civilized Tribes — status of allotments — alienation restrictions removed — restrictions continued — removal by secretary of the interior — Oklahoma — rights of way through Indian lands continued.*] That from and after sixty days from the date of this Act the status of the lands allotted heretofore or hereafter to allottees of the Five Civilized Tribes shall, as regards restrictions on alienation or incumbrance, be as follows: All lands, including homesteads, of said allottees enrolled as intermarried whites, as freedmen, and as mixed-blood Indians having less than half Indian blood including minors shall be free from all restrictions. All lands, except homesteads, of said allottees enrolled as mixed-blood Indians having half or more than half and less than three-quarters Indian blood shall be free from all restrictions. All homesteads of said allottees enrolled as mixed-blood Indians having half or more than half Indian blood, including minors of such degrees of blood, and all allotted lands of enrolled full-bloods, and enrolled mixed-bloods of three-quarters or more Indian blood, including minors of such degrees of blood, shall not be subject to alienation, contract to sell, power of attorney, or any other incumbrance prior to April twenty-sixth, nineteen hundred and thirty-one, except that the Secretary of the Interior may remove such restrictions, wholly or in part, under such rules and regulations concerning terms of sale and disposal of the proceeds for the benefit of the respective Indians as he may prescribe. The Secretary of the Interior shall not be prohibited by this Act from continuing to remove restrictions as heretofore, and nothing herein shall be construed to impose restrictions removed from land by or under any law prior to the passage of this Act. No restriction of alienation shall be construed to prevent the exercise of the right of eminent domain in condemning rights of way for public purposes over allotted lands, and for such purposes sections

thirteen to twenty-three inclusive, of an act entitled "An act to grant the right of way through Oklahoma Territory and the Indian Territory to the Enid and Anadarko Railway Company, and for other purposes," approved February twenty-eighth, nineteen hundred and two (Thirty-second Statutes at Large, page forty-three), are hereby continued in force in the State of Oklahoma. [35 Stat. L. 312.]

SEC. 2. [*Leases of restricted lands — oil, gas, or mining purposes — lands of minors.*] That all lands other than homesteads allotted to members of the Five Civilized Tribes from which restrictions have not been removed may be leased by the allottee if an adult, or by guardian or curator under order of the proper probate court if a minor or incompetent, for a period not to exceed five years, without the privilege of renewal: *Provided*, That leases of restricted lands for oil, gas or other mining purposes, leases of restricted homesteads for more than one year, and leases of restricted lands for periods of more than five years, may be made, with the approval of the Secretary of the Interior, under rules and regulations provided by the Secretary of the Interior, and not otherwise: *And provided further*, That the jurisdiction of the probate courts of the State of Oklahoma over lands of minors and incompetents shall be subject to the foregoing provisions, and the term minor or minors, as used in this Act, shall include all males under the age of twenty-one years and all females under the age of eighteen years. [35 Stat. L. 312.]

SEC. 3. [*Rolls of citizens and freedmen evidence of quantum of Indian blood — status of prior leases by allottees — power of owners of unrestricted lands over oil, etc., leases.*] That the rolls of citizenship and of freedmen of the Five Civilized Tribes approved by the Secretary of the Interior shall be conclusive evidence as to the quantum of Indian blood of any enrolled citizen or freedmen of said tribes and of no other persons to determine questions arising under this Act and the enrollment records of the Commissioner to the Five Civilized Tribes shall hereafter be conclusive evidence as to the age of said citizen or freedman.

That no oil, gas, or other mineral lease entered into by any of said allottees prior to the removal of restrictions requiring the approval of the Secretary of the Interior shall be rendered invalid by this Act, but the same shall be subject to the approval of the Secretary of the Interior as if this Act had not been passed: *Provided*, That the owner or owners of any allotted land from which restrictions are removed by this Act, or have been removed by previous Acts of Congress, or by the Secretary of the Interior, or may hereafter be removed under and by authority of any Act of Congress, shall have the power to cancel and annul any oil, gas, or mineral lease on said land whenever the owner or owners of said land and the owner or owners of the lease thereon agree in writing to terminate said lease and file with the Secretary of the Interior, or his designated agent, a true copy of the agreement in writing canceling said lease, which said agreement shall be executed and acknowledged by the parties thereto in the manner required by the laws of Oklahoma for the execution and acknowledgment of deeds, and the same shall be recorded in the county where the land is situate. [35 Stat. L. 313.]

SEC. 4. [*Unrestricted lands subject to taxation — exemption from prior claims.*] That all land from which restrictions have been or shall be removed shall be subject to taxation and all other civil burdens as though it were the property of other persons than allottees of the Five Civilized Tribes: *Provided*, That allotted lands shall not be subjected or held liable, to any form of personal

claim, or demand, against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law. [35 Stat. L. 313.]

SEC. 5. [*Alienation, etc., of restricted lands void.*] That any attempted alienation or incumbrance by deed, mortgage, contract to sell, power of attorney, or other instrument or method of incumbering real estate, made before or after the approval of this Act, which affects the title of the land allotted to allottees of the Five Civilized Tribes prior to removal of restrictions therefrom, and also any lease of such restricted land made in violation of law before or after the approval of this Act shall be absolutely null and void. [35 Stat. L. 313.]

SEC. 6. [*Authority of Oklahoma probate courts over minor allottees—local agent of Interior Department for estates of minors—duties—other duties as to restricted lands—appropriation for expenses—restriction on lands of minors—appropriation for suits in Oklahoma—for western district—suits against vendees, etc., of town lots—conclusion of investigation—suits as to title, etc., of restricted lands.*] That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of

this Act or any other Act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated, for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of ninety thousand dollars, to be available immediately, and until July first, nineteen hundred and nine, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court or otherwise.

And there is hereby further appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and available until expended as the Attorney-General may direct, the sum of fifty thousand dollars, to be used in the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma: *Provided*, That the sum of ten thousand dollars of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot, against whom the Secretary of the Interior may find upon investigation no fraud has been established, may be dismissed and the title quieted upon payment of the full balance due on the original appraisal of such lot: *Provided*, That such investigation must be concluded within six months after the passage of this Act.

Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act. [35 Stat. L. 313.]

SEC. 7. [*Contests of selections of allotment — time limited.*] That no contest shall be instituted after sixty days from the date of the selection of any allotment hereafter made, nor after ninety days from the approval of this Act in case of selections made prior thereto by or for any allottee of the Five Civilized Tribes, and, as early thereafter as practicable, deed or patent shall issue therefor. [35 Stat. L. 315.]

SEC. 8. [*Wills of full-blood Indians — acknowledgment before Oklahoma judge.*] That section twenty-three of an Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, is hereby amended by adding at the end of said section, the words "or a judge of a county court of the State of Oklahoma." [35 Stat. L. 315.]

For sec. 23 of the Act of April 26, 1906, see *supra*, p. 200.

SEC. 9. [*Allottees — restrictions removed by death — conveyances — distribution of estates of Indians of half-blood or more — in case of no issue — acknowledgment of wills.*] That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allot-

tee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March fourth, nineteen hundred and six, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section one hereof, for the use and support of such issue, during their life or lives, until April twenty-sixth, nineteen hundred and thirty-one; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April twenty-sixth, nineteen hundred and thirty-one, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section twenty-three of the act of April twenty-sixth, nineteen hundred and six, as amended by this act, are hereby made applicable to all wills executed under this section. [35 Stat. L. 315.]

Section 23 of the Act of April 26, 1906, is given *supra*, p. 200.

SEC. 10. [*Choctaw and Chickasaw warrants — payment of outstanding — payment to holders for value — to original payees.*] That the Secretary of the Interior is hereby authorized and directed to pay out of any moneys in the Treasury of the United States, belonging to the Choctaw or Chickasaw nations respectively, any and all outstanding general and school warrants duly signed by the auditor of public accounts of the Choctaw and Chickasaw nations, and drawn on the national treasurers thereof prior to January first, nineteen hundred and seven, with six per cent interest per annum from the respective dates of said warrants: *Provided*, That said warrants be presented to the United States Indian agent at the Union Agency, Muskogee, Oklahoma, within sixty days from the passage of this act, together with the affidavits of the respective holders of said warrants that they purchased the same in good faith for a valuable consideration, and had no reason to suspect fraud in the issuance of said warrants: *Provided further*, That such warrants remaining in the hands of the original payee shall be paid by said Secretary when it is shown that the services for which said warrants were issued were actually performed by said payee. [35 Stat. L. 315.]

SEC. 11. [*Seminole lands — payment of royalties to lessor, etc. — interest of Seminole Nation to cease June 30, 1908.*] That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian agent, Union Agency, for the benefit of the Indian lessor or his proper representative to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: *Provided*, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight. [35 Stat. L. 316.]

SEC. 12. [*Deposit of tribal allotment records — appropriation for copies to counties of Oklahoma.*] That all records pertaining to the allotment of lands of the Five Civilized Tribes shall be finally deposited in the office of the United States Indian agent, Union Agency, when and as the Secretary of the Interior

shall determine such action shall be taken, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available as the Secretary of the Interior may direct, the sum of fifteen thousand dollars, or so much thereof as may be necessary to enable the Secretary of the Interior to furnish the various counties of the State of Oklahoma certified copies of such portions of said records as affect title to lands in the respective counties. [35 Stat. L. 316.]

SEC. 13. [*Amends sec. 11 of the Act of April 26, 1906. See supra, p. 195.*]

SEC. 14. [*Town sites — sale of lots in, established — coal and asphalt retained.*] That the provisions of section thirteen of the Act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven), shall not apply to town lots in town sites heretofore established, surveyed, platted, and appraised under the direction of the Secretary of the Interior, but nothing herein contained shall be construed to authorize the conveyance of any interest in the coal or asphalt underlying said lots. [35 Stat. L. 316.]

Section 13 of the Act of April 26, 1906, above referred to, is given *supra*, p. 196.

An Act To authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

[*Act of May 28, 1908, ch. 216, 35 Stat. L. 444.*]

[SEC. 1.] [*Indian allotments — may be sold on petition of allottee — excepted lands — lands of minors, etc. — heirs to have fee simple title — use of proceeds — patent to purchaser — states excepted.*] That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in section one herein contained shall apply to the States of Minnesota and South Dakota. [35 Stat. L. 444.]

SECS. 2-6. [*Special.*]

SEC. 7. [*Segregation and survey of towns, etc., in Choctaw and Chickasaw nations — appraisal, etc. — coal and asphalt lands — expenses.*] That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law, the Secretary of the Interior be, and he is hereby, authorized to segregate and survey within that part of the territory of the Choctaw and Chickasaw nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots, as are now in existence, or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section twenty-nine of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page four hundred and ninety-five), under regulations to be prescribed by him. That the provisions of section thirteen of the Act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven), shall not apply to town lots appraised and sold as provided herein. That all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate. [35 Stat. L. 446.]

Section 29 of the Act of June 28, 1898,
above mentioned, is set forth in 3 Fed. Stat.
Annot. 453.

Section 13 of the Act of April 26, 1906,
above referred to, is given *supra*, p. 196.

SEC. 8. [*Cherokee Nation — payments to intermarried white Cherokee citizens — payments to heirs, etc. — right of protest.*] That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury belonging to the Cherokee tribe of Indians, to those intermarried white citizens of the said Cherokee tribe placed on the final approved rolls of the said Cherokee tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November first, eighteen hundred and seventy-five, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives: *Provided, however,* That the Cherokee Nation shall have the right to protest against the payment of any claim to any such person or persons and upon the protest being filed by or on behalf of the Cherokee Nation the claim of any such person or persons shall be referred to the Court of Claims and said court is given full jurisdiction to hear and determine the same. [35 Stat. L. 446.]

Bird v. United States is reported in 203 U. S. 76.

SEC. 9. [*Special.*]

SEC. 10. [*Sale of lands of Five Civilized Tribes for school purposes — maximum acreage — restrictions removed from sales by allottees.*] That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school districts of the State of Oklahoma, from the unallotted lands of the Five Civilized Tribes, tracts of land not to exceed two acres in any one district, at prices and under regulations to be prescribed by him, and proper conveyances of such lands shall be executed in accordance with existing laws regarding the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two acres in each case, as allottees of the Five Civilized Tribes, including full-bloods and minors, may desire to sell for school purposes. [35 Stat. L. 447.]

SECS. 11–30. [*Special.*]

An Act Authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes.

[Act of March 3, 1909, ch. 256, 35 Stat. L. 773.]

[*Kaw or Kansas and Osage Indians — sale of surplus lands of, authorized.*] That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw or Kansas and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals. [35 Stat. L. 778.]

An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten.

[Act of March 3, 1909, ch. 263, 35 Stat. L. 781.]

[SEC. 1.] [*Grant of lands to railroads in Indian reservations for reservoirs, etc. — conveyance of lands — restriction — land for tree planting — use of proceeds.*] * * * That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary.

That when any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, and upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: *And provided fur*

ther, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages. [35 Stat. L. 781.]

[Allotment to Indians — limit of acreage.] * * * That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the Act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, three hundred and eighty-eight). [35 Stat. L. 782.]

The Act of Feb. 8, 1887, above mentioned, is given in 3 Fed. Stat. Annot. 492.

[Indian schools — young children.] * * * That no Indian pupil under the age of fourteen years shall be transported at government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory. [35 Stat. L. 783.]

[White children in Indian schools.] That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported. [35 Stat. L. 783.]

[Designation by Commissioner of employee to sign letters.] That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner. [35 Stat. L. 783.]

[Allotments in severalty — lease of mineral lands — regulations.] That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect. [35 Stat. L. 783.]

[Exchange of lands unsuitable for allotment, etc. — restriction — regulations.] That if any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing

lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect. [35 Stat. L. 784.]

[*Agent's records, etc. — annual report — false entries in transcripts, etc. — penalty.*] That section ten of the Act of March third, eighteen hundred and seventy-five (Eighteenth Statutes at Large, four hundred and fifty-one), be amended so as to read as follows: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources; and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under said Act." [35 Stat. L. 784.]

Section 10 of the Act of March 3, 1875, hereby amended, is set forth in 3 Fed. Stat. Annot. 349.

INDIAN TERRITORY.

Admission into Union, see STATES.
Indians in, see INDIANS.

INDUSTRIAL PEACE FOUNDATION.

Act of March 2, 1907, Ch. 2558, 242.

Sec. 1. Foundation for the Promotion of Industrial Peace Established — Board of Trustees — Nobel Peace Prize Awarded to President Roosevelt Devoted to the Work — Vacancies, 242.

2. Duties of Trustees — Industrial Peace Committee — Selection, Service, etc., 243.

3. Meetings and Conferences at Washington, 243.

4. Expenditures, 244.

5. Property Holdings — Limit, 244.

6. Principal Office, etc., 244.

7. Co-operation with Other Societies, 244.

8. Effect, 244.

An Act To establish the Foundation for the Promotion of Industrial Peace.

[Act of March 2, 1907, ch. 2558, 34 Stat. L. 1241.]

Whereas Alfred Bernard Nobel, of the city of Stockholm, in the Kingdom of Sweden, having by his last will and testament provided that the residue of his estate shall constitute a fund the income from which shall be annually awarded in prizes to those persons who have during the year contributed most materially to benefit mankind, and having further provided that one share of said income shall be awarded to the person who shall have most or best promoted the fraternity of nations and the abolishment or diminution of standing armies and the formation and increase of peace congresses; and

Whereas the Norwegian Parliament having, under the terms of said foundation, elected a committee for the distribution of the peace prize, and this committee having in the year nineteen hundred and six awarded the aforesaid prize to Theodore Roosevelt, President of the United States, for his services in behalf of the peace of the world; and

Whereas the President desiring that this award shall form the nucleus of a fund the income of which shall be expended for bringing together in conference at the city of Washington, especially during the sessions of Congress, representatives of labor and capital for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees, and thus promoting industrial peace: Therefore

Be it enacted, etc.

[SEC. 1.] [*Foundation for the promotion of industrial peace established — board of trustees — Nobel peace prize awarded to President Roosevelt devoted to the work — vacancies.*] That the Chief Justice of the United States, the Secretary of Agriculture, and the Secretary of Commerce and Labor, and their successors in office, together with a representative of labor and a representative of capital and two persons to represent the general public, to be appointed by the President of the United States, are hereby created trustees of an establishment by the name of the Foundation for the Promotion of Industrial Peace, with authority to receive the Nobel peace prize awarded to the President and by him devoted to this foundation, and to administer it in accordance with the purposes herein defined. Any vacancies occurring in the number of trustees shall

be filled in like manner by appointment by the President of the United States. [34 Stat. L. 1241.]

SEC. 2. [*Duties of trustees—Industrial Peace Committee—selection, service, etc.*] That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the Foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of sixteen persons, to be known as the 'Industrial Peace Committee;' said committee to consist of the seven trustees and nine other persons to be selected by the trustees, three of whom shall serve as members of the committee for the period of one year, three as members for the period of two years, and three as members for the period of three years, three of the nine members thus selected by the trustees to be representatives of labor, three to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and three members to represent the general public. Any vacancies which may occur in this committee shall be filled by the selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for the period of three years or for the unexpired portion of such term. [35 Stat. L. 637.]

This section was amended to read as above given by sec. 1 of the Act of Feb. 18, 1909, ch. 148, 35 Stat. L. 637. Formerly sec. 2 was as follows:

"SEC. 2. That it shall be the duty of the trustees herein mentioned to invest and reinvest the principal of this foundation, to receive any additions which may come to it by gift, bequest, or devise, and to invest and reinvest the same; and to pay over the income from the foundation and its additions, or such part thereof as they may from time to time apportion, to a committee of nine persons, to be known as 'The industrial peace committee,' to be selected by the trustees, three members of which committee shall serve for the period of one year, three members for the

period of two years, and three members for the period of three years; three members of this committee to be representatives of labor, three to be representatives of capital, each chosen for distinguished services in the industrial world in promoting righteous industrial peace, and three members to represent the general public. Any vacancies which may occur in this committee shall be filled by selection and appointment in the manner prescribed for the original appointment of the committee, and when the committee has first been fully selected and appointed each member thereafter appointed shall serve for a period of three years or the unexpired portion of such term." [34 Stat. L. 1242.]

SEC. 3. [*Meetings and conferences at Washington.*] That the Industrial Peace Committee herein constituted shall arrange for such meetings and conferences in the city of Washington, District of Columbia, as it may deem advisable, of representatives of labor and capital for the purpose of discussing industrial problems with the view of arriving at a better understanding between employers and employees. It shall call such conferences in case of great industrial crises and take such other steps as in its discretion will promote the general purposes of the Foundation, subject, however, to such rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the meetings and conferences, and be charged with the conduct of the proceedings at such meetings and conferences, and shall also arrange for the publication of the results of such meetings and conferences. [35 Stat. L. 637.]

This section was amended to read as here given by sec. 2 of the Act of Feb. 18, 1909, ch. 148, 35 Stat. L. 637. Originally this section read as follows:

"SEC. 3. That the industrial peace committee herein constituted shall arrange for an annual conference in the city of Washington, District of Columbia, of representatives of

labor and capital for the purpose of discussing industrial problems, with the view of arriving at a better understanding between employers and employees; it shall call special conferences in case of great industrial crises and at such other times as may be deemed advisable, and take such other steps as in its discretion will promote the general purposes of the foundation; subject, however, to such

rules and regulations as may be prescribed by the trustees. The committee shall receive suggestions for the subjects to be discussed at the annual or other conferences and be charged with the conduct of the proceedings at such conferences. The committee shall also arrange for the publication of the results of the annual and special conferences." [34 Stat. L. 1243.]

SEC. 4. [*Expenditures.*] That all expenditures authorized by the trustees shall be paid exclusively from the accrued income and not from the principal of the foundation. [34 Stat. L. 1243.]

SEC. 5. [*Property holdings — limit.*] That the trustees herein named are authorized to hold real and personal estate in the District of Columbia to an amount not exceeding three million dollars, and to use and dispose of the same for the purposes of this foundation. [34 Stat. L. 1243.]

SEC. 6. [*Principal office, etc.*] That the principal office of the foundation shall be located in the District of Columbia, but offices may be maintained and meetings of the trustees and committees may be held in other places, to be provided for in by-laws to be adopted from time to time by the trustees, for the proper execution of the purposes of the foundation. [34 Stat. L. 1243.]

SEC. 7. [*Co-operation with other societies.*] That the Foundation for the Promotion of Industrial Peace is hereby authorized and empowered, at its discretion, to cooperate with any institutions or societies having similar or like purposes. [34 Stat. L. 1243.]

SEC. 8. [*Effect.*] That this Act shall take effect immediately on its passage. [34 Stat. L. 1243.]

INSANE PERSONS.

In Alaska, see ALASKA.

Government Hospital for, see HOSPITALS AND ASYLUMS.

INSANITY.

See PENAL LAWS.

INSPECTION.

Of Dairy Products, see FOOD AND DRUGS.

Of Meat and Packing Houses, see ANIMALS.

And see, generally, ANIMALS; FOOD AND DRUGS; STEAM VESSELS.

INSULAR AFFAIRS.

See *WAR DEPARTMENT AND MILITARY ESTABLISHMENT.*

INTERIOR DEPARTMENT.

See *INDIANS; PUBLIC LANDS.*

INTERNAL REVENUE.

Act of June 7, 1906, Ch. 3046, 246.

- Sec. 1. Fortifying Pure Sweet Wines — Wine Spirits Defined — Pure Sweet Wine Defined — Addition of Grape Must or Sugar — Water — Limit — Regulations for Adding Water, 246.*
- 2. Recovery of Spirits — Permit Required — Tax — Deficiency Tax — Re-use, 247.*
- 3. Special Gaugers — Pay, etc. — Special Tax — Bond Requirements, 247.*
- 4. Fermenting Vats Permitted, 247.*
- 5. Tax Remitted on Brandy Accidentally Destroyed, 248.*
- 6. Penalties — Illegal Recovery of Spirits — Rectifying, Mixing, or Compounding — Blending Allowed without Special Tax, 248.*

Act of June 7, 1906, Ch. 3047, 248.

- Sec. 1. Denatured Alcohol — Withdrawal from Bond Tax Free after Jan. 1, 1907 — Uses — Special Warehouses — Regulations of Materials, etc. — Bonds, Returns, etc., 248.*
- 2. Punishment for Violations — Forfeiture of Property — Use of Recovered Spirits Allowed, 249.*
- 3. Additional Employees, Instruments, etc. — Appropriation — Civil Service Conditions Not Applicable for Two Years — Pay of Employees, 249.*
- 4. Report to Congress Required, 250.*

Act of June 21, 1906, Ch. 3509, 250.

Internal Revenue — List of Special-tax Payers in Collector's Office — R. S. Sec. 3240 Amended — Certified Copies to Prosecuting Officers, 250.

Act of June 29, 1906, Ch. 3613, 250.

- Sec. 1. Porto Rico — Use of Internal-revenue Stamps in, Authorized — Deputy Collector to Be Stationed at San Juan — Salary, etc. — Issue of Stamps — Additional Duties, 251.*
- 2. Bond, 251.*

Act of June 30, 1906, Ch. 3912, 251.

Sec. 1. Internal Revenue Agents — Per Diem, 251.

Act of March 2, 1907, Ch. 2571, 251.

- Sec. 1. Denatured Alcohol — Withdrawal of, for Manufacture of Chemicals, etc. — Rum, 251.*
- 2. Central Denaturing Bonded Warehouses — Establishment of, Authorized — Regulations, 251.*

claim, or demand, against the allottees arising or existing prior to the removal of restrictions, other than contracts heretofore expressly permitted by law. [35 Stat. L. 313.]

SEC. 5. [*Alienation, etc., of restricted lands void.*] That any attempted alienation or incumbrance by deed, mortgage, contract to sell, power of attorney, or other instrument or method of incumbering real estate, made before or after the approval of this Act, which affects the title of the land allotted to allottees of the Five Civilized Tribes prior to removal of restrictions therefrom, and also any lease of such restricted land made in violation of law before or after the approval of this Act shall be absolutely null and void. [35 Stat. L. 313.]

SEC. 6. [*Authority of Oklahoma probate courts over minor allottees — local agent of Interior Department for estates of minors — duties — other duties as to restricted lands — appropriation for expenses — restriction on lands of minors — appropriation for suits in Oklahoma — for western district — suits against vendees, etc., of town lots — conclusion of investigation — suits as to title, etc., of restricted lands.*] That the persons and property of minor allottees of the Five Civilized Tribes shall, except as otherwise specifically provided by law, be subject to the jurisdiction of the probate courts of the State of Oklahoma. The Secretary of the Interior is hereby empowered, under rules and regulations to be prescribed by him, to appoint such local representatives within the State of Oklahoma who shall be citizens of that State or now domiciled therein as he may deem necessary to inquire into and investigate the conduct of guardians or curators having in charge the estates of such minors, and whenever such representative or representatives of the Secretary of the Interior shall be of opinion that the estate of any minor is not being properly cared for by the guardian or curator, or that the same is in any manner being dissipated or wasted or being permitted to deteriorate in value by reason of the negligence or carelessness or incompetency of the guardian or curator, said representative or representatives of the Secretary of the Interior shall have power and it shall be their duty to report said matter in full to the proper probate court and take the necessary steps to have such matter fully investigated, and go to the further extent of prosecuting any necessary remedy, either civil or criminal, or both, to preserve the property and protect the interests of said minor allottees; and it shall be the further duty of such representative or representatives to make full and complete reports to the Secretary of the Interior. All such reports, either to the Secretary of the Interior or to the proper probate court, shall become public records and subject to the inspection and examination of the public, and the necessary court fees shall be allowed against the estates of said minors. The probate courts may, in their discretion, appoint any such representative of the Secretary of the Interior as guardian or curator for such minors, without fee or charge.

And said representatives of the Secretary of the Interior are further authorized, and it is made their duty, to counsel and advise all allottees, adult or minor, having restricted lands of all of their legal rights with reference to their restricted lands, without charge, and to advise them in the preparation of all leases authorized by law to be made, and at the request of any allottee having restricted land he shall, without charge, except the necessary court and recording fees and expenses, if any, in the name of the allottee, take such steps as may be necessary, including the bringing of any suit or suits and the prosecution and appeal thereof, to cancel and annul any deed, conveyance, mortgage, lease, contract to sell, power of attorney, or any other encumbrance of any kind or character, made or attempted to be made or executed in violation of

this Act or any other Act of Congress, and to take all steps necessary to assist said allottees in acquiring and retaining possession of their restricted lands.

Supplemental to the funds appropriated and available for expenses connected with the affairs of the Five Civilized Tribes, there is hereby appropriated, for the salaries and expenses arising under this section, out of any funds in the Treasury not otherwise appropriated, the sum of ninety thousand dollars, to be available immediately, and until July first, nineteen hundred and nine, for expenditure under the direction of the Secretary of the Interior: *Provided*, That no restricted lands of living minors shall be sold or encumbered, except by leases authorized by law, by order of the court or otherwise.

And there is hereby further appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available and available until expended as the Attorney-General may direct, the sum of fifty thousand dollars, to be used in the payment of necessary expenses incident to any suits brought at the request of the Secretary of the Interior in the eastern judicial district of Oklahoma: *Provided*, That the sum of ten thousand dollars of the above amount, or so much thereof as may be necessary, may be expended in the prosecution of cases in the western judicial district of Oklahoma.

Any suit brought by the authority of the Secretary of the Interior against the vendee or mortgagee of a town lot, against whom the Secretary of the Interior may find upon investigation no fraud has been established, may be dismissed and the title quieted upon payment of the full balance due on the original appraisalment of such lot: *Provided*, That such investigation must be concluded within six months after the passage of this Act.

Nothing in this act shall be construed as a denial of the right of the United States to take such steps as may be necessary, including the bringing of any suit and the prosecution and appeal thereof, to acquire or retain possession of restricted Indian lands, or to remove cloud therefrom, or clear title to the same, in cases where deeds, leases or contracts of any other kind or character whatsoever have been or shall be made contrary to law with respect to such lands prior to the removal therefrom of restrictions upon the alienation thereof; such suits to be brought on the recommendation of the Secretary of the Interior, without costs or charges to the allottees, the necessary expenses incurred in so doing to be defrayed from the money appropriated by this act. [35 Stat. L. 313.]

SEC. 7. [*Contests of selections of allotment — time limited.*] That no contest shall be instituted after sixty days from the date of the selection of any allotment hereafter made, nor after ninety days from the approval of this Act in case of selections made prior thereto by or for any allottee of the Five Civilized Tribes, and, as early thereafter as practicable, deed or patent shall issue therefor. [35 Stat. L. 315.]

SEC. 8. [*Wills of full-blood Indians — acknowledgment before Oklahoma judge.*] That section twenty-three of an Act entitled "An Act to provide for the final disposition of the affairs of the Five Civilized Tribes in the Indian Territory, and for other purposes," approved April twenty-sixth, nineteen hundred and six, is hereby amended by adding at the end of said section, the words "or a judge of a county court of the State of Oklahoma." [35 Stat. L. 315.]

For sec. 23 of the Act of April 26, 1906, see *supra*, p. 200.

SEC. 9. [*Allottees — restrictions removed by death — conveyances — distribution of estates of Indians of half-blood or more — in case of no issue — acknowledgment of wills.*] That the death of any allottee of the Five Civilized Tribes shall operate to remove all restrictions upon the alienation of said allot-

tee's land: *Provided*, That no conveyance of any interest of any full-blood Indian heir in such land shall be valid unless approved by the court having jurisdiction of the settlement of the estate of said deceased allottee: *Provided further*, That if any member of the Five Civilized Tribes of one-half or more Indian blood shall die leaving issue surviving, born since March fourth, nineteen hundred and six, the homestead of such deceased allottee shall remain inalienable, unless restrictions against alienation are removed therefrom by the Secretary of the Interior in the manner provided in section one hereof, for the use and support of such issue, during their life or lives, until April twenty-sixth, nineteen hundred and thirty-one; but if no such issue survive, then such allottee, if an adult, may dispose of his homestead by will free from all restrictions; if this be not done, or in the event the issue hereinbefore provided for die before April twenty-sixth, nineteen hundred and thirty-one, the land shall then descend to the heirs, according to the laws of descent and distribution of the State of Oklahoma, free from all restrictions: *Provided further*, That the provisions of section twenty-three of the act of April twenty-sixth, nineteen hundred and six, as amended by this act, are hereby made applicable to all wills executed under this section. [35 Stat. L. 315.]

Section 23 of the Act of April 26, 1906, is given *supra*, p. 200.

SEC. 10. [*Choctaw and Chickasaw warrants — payment of outstanding — payment to holders for value — to original payees.*] That the Secretary of the Interior is hereby authorized and directed to pay out of any moneys in the Treasury of the United States, belonging to the Choctaw or Chickasaw nations respectively, any and all outstanding general and school warrants duly signed by the auditor of public accounts of the Choctaw and Chickasaw nations, and drawn on the national treasurers thereof prior to January first, nineteen hundred and seven, with six per cent interest per annum from the respective dates of said warrants: *Provided*, That said warrants be presented to the United States Indian agent at the Union Agency, Muskogee, Oklahoma, within sixty days from the passage of this act, together with the affidavits of the respective holders of said warrants that they purchased the same in good faith for a valuable consideration, and had no reason to suspect fraud in the issuance of said warrants: *Provided further*, That such warrants remaining in the hands of the original payee shall be paid by said Secretary when it is shown that the services for which said warrants were issued were actually performed by said payee. [35 Stat. L. 315.]

SEC. 11. [*Seminole lands — payment of royalties to lessor, etc. — interest of Seminole Nation to cease June 30, 1908.*] That all royalties arising on and after July first, nineteen hundred and eight, from mineral leases of allotted Seminole lands heretofore or hereafter made, which are subject to the supervision of the Secretary of the Interior, shall be paid to the United States Indian agent, Union Agency, for the benefit of the Indian lessor or his proper representative to whom such royalties shall thereafter belong; and no such lease shall be made after said date except with the allottee or owner of the land: *Provided*, That the interest of the Seminole Nation in leases or royalties arising thereunder on all allotted lands shall cease on June thirtieth, nineteen hundred and eight. [35 Stat. L. 316.]

SEC. 12. [*Deposit of tribal allotment records — appropriation for copies to counties of Oklahoma.*] That all records pertaining to the allotment of lands of the Five Civilized Tribes shall be finally deposited in the office of the United States Indian agent, Union Agency, when and as the Secretary of the Interior

shall determine such action shall be taken, and there is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to be immediately available as the Secretary of the Interior may direct, the sum of fifteen thousand dollars, or so much thereof as may be necessary to enable the Secretary of the Interior to furnish the various counties of the State of Oklahoma certified copies of such portions of said records as affect title to lands in the respective counties. [35 Stat. L. 316.]

SEC. 13. [*Amends sec. 11 of the Act of April 26, 1906. See supra, p. 195.*]

SEC. 14. [*Town sites — sale of lots in, established — coal and asphalt retained.*] That the provisions of section thirteen of the Act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven), shall not apply to town lots in town sites heretofore established, surveyed, platted, and appraised under the direction of the Secretary of the Interior, but nothing herein contained shall be construed to authorize the conveyance of any interest in the coal or asphalt underlying said lots. [35 Stat. L. 316.]

Section 13 of the Act of April 26, 1906, above referred to, is given *supra*, p. 196.

An Act To authorize the Secretary of the Interior to issue patents in fee to purchasers of Indian lands under any law now existing or hereafter enacted, and for other purposes.

[*Act of May 28, 1908, ch. 216, 35 Stat. L. 444.*]

[SEC. 1.] [*Indian allotments — may be sold on petition of allottee — excepted lands — lands of minors, etc. — heirs to have fee simple title — use of proceeds — patent to purchaser — states excepted.*] That the lands, or any part thereof, allotted to any Indian, or any inherited interest therein, which can be sold under existing law by authority of the Secretary of the Interior, except the lands in Oklahoma, and the States of Minnesota and South Dakota may be sold on the petition of the allottee, or his heirs, on such terms and conditions and under such regulations as the Secretary of the Interior may prescribe; and the lands of a minor, or of a person deemed incompetent by the Secretary of the Interior to petition for himself, may be sold in the same manner, on the petition of the natural guardian in the case of infants, and in the case of Indians deemed incompetent as aforesaid, and of orphans without a natural guardian, on petition of a person designated for the purpose by the Secretary of the Interior. That when any Indian who has heretofore received or who may hereafter receive, an allotment of land dies before the expiration of the trust period, the Secretary of the Interior shall ascertain the legal heirs of such Indian, and if satisfied of their ability to manage their own affairs shall cause to be issued in their names a patent in fee simple for said lands; but if he finds them incapable of managing their own affairs, the land may be sold as hereinbefore provided: *Provided*, That the proceeds derived from all sales hereunder shall be used, during the trust period, for the benefit of the allottee, or heir, so disposing of his interest, under the supervision of the Commissioner of Indian Affairs: *And provided further*, That upon the approval of any sale hereunder by the Secretary of the Interior he shall cause a patent in fee to issue in the name of the purchaser for the lands so sold: *And provided further*, That nothing in section one herein contained shall apply to the States of Minnesota and South Dakota. [35 Stat. L. 444.]

SECS. 2-6. [*Special.*]

SEC. 7. [*Segregation and survey of towns, etc., in Choctaw and Chickasaw nations — appraisal, etc. — coal and asphalt lands — expenses.*] That in addition to the towns heretofore segregated, surveyed, and scheduled in accordance with law, the Secretary of the Interior be, and he is hereby, authorized to segregate and survey within that part of the territory of the Choctaw and Chickasaw nations, State of Oklahoma, heretofore segregated as coal and asphalt land, such other towns, parts of towns, or town lots, as are now in existence, or which he may deem it desirable to establish. He shall cause the surface of the lots in such towns or parts of towns to be appraised, scheduled, and sold at the rates, on the terms, and with the same character of estate as is provided in section twenty-nine of the Act of Congress approved June twenty-eighth, eighteen hundred and ninety-eight (Thirtieth Statutes at Large, page four hundred and ninety-five), under regulations to be prescribed by him. That the provisions of section thirteen of the Act of Congress approved April twenty-sixth, nineteen hundred and six (Thirty-fourth Statutes at Large, page one hundred and thirty-seven), shall not apply to town lots appraised and sold as provided herein. That all expenses incurred in surveying, platting, and selling the lots in any town or parts of towns shall be paid from the proceeds of the sale of town lots of the nation in which such town is situate. [35 Stat. L. 446.]

Section 29 of the Act of June 28, 1898,
above mentioned, is set forth in 3 Fed. Stat.
Annot. 453.

Section 13 of the Act of April 26, 1906,
above referred to, is given *supra*, p. 196.

SEC. 8. [*Cherokee Nation — payments to intermarried white Cherokee citizens — payments to heirs, etc. — right of protest.*] That the Secretary of the Interior be, and he is hereby, authorized and directed to pay, out of any funds in the Treasury belonging to the Cherokee tribe of Indians, to those intermarried white citizens of the said Cherokee tribe placed on the final approved rolls of the said Cherokee tribe by the Secretary of the Interior pursuant to an opinion of the Supreme Court of the United States in the case of Daniel Red Bird against The United States, the share or shares to which they are entitled in the funds of the Cherokee Nation on account of payments heretofore made out of said Cherokee funds to members of the Cherokee Nation, but in which payments said intermarried white Cherokee citizens did not participate and to which they were entitled in accordance with the findings of the Supreme Court in the said case of Daniel Red Bird against The United States, said intermarried white Cherokee citizens having married into the Cherokee Nation prior to November first, eighteen hundred and seventy-five, and not having since abandoned their citizenship. In case any of said intermarried Cherokee white citizens have died since final enrollment their share or shares in the money distributed shall be paid to their heirs or legal representatives: *Provided, however,* That the Cherokee Nation shall have the right to protest against the payment of any claim to any such person or persons and upon the protest being filed by or on behalf of the Cherokee Nation the claim of any such person or persons shall be referred to the Court of Claims and said court is given full jurisdiction to hear and determine the same. [35 Stat. L. 446.]

Bird v. United States is reported in 203 U. S. 76.

SEC. 9. [*Special.*]

SEC. 10. [*Sale of lands of Five Civilized Tribes for school purposes — maximum acreage — restrictions removed from sales by allottees.*] That the Secretary of the Interior is hereby authorized to sell for use for school purposes to school districts of the State of Oklahoma, from the unallotted lands of the Five Civilized Tribes, tracts of land not to exceed two acres in any one district, at prices and under regulations to be prescribed by him, and proper conveyances of such lands shall be executed in accordance with existing laws regarding the conveyance of tribal property; and the Secretary of the Interior also shall have authority to remove the restrictions on the sale of such lands, not to exceed two acres in each case, as allottees of the Five Civilized Tribes, including full-bloods and minors, may desire to sell for school purposes. [35 Stat. L. 447.]

SECS. 11-30. [*Special.*]

An Act Authorizing the Secretary of the Interior to sell part or all of the surplus lands of members of the Kaw or Kansas and Osage tribes of Indians in Oklahoma, and for other purposes.

[Act of March 3, 1909, ch. 256, 35 Stat. L. 778.]

[*Kaw or Kansas and Osage Indians — sale of surplus lands of, authorized.*] That the Secretary of the Interior be, and he hereby is, authorized and empowered, upon application, to sell, under such rules and regulations as he may prescribe, part or all of the surplus lands of any member of the Kaw or Kansas and Osage tribes of Indians in Oklahoma: *Provided*, That the sales of the Osage lands shall be subject to the reserved rights of the tribe in oil, gas, and other minerals. [35 Stat. L. 778.]

An Act Making appropriations for the current and contingent expenses of the Indian Department, for fulfilling treaty stipulations with various Indian tribes, and for other purposes, for the fiscal year ending June thirtieth, nineteen hundred and ten.

[Act of March 3, 1909, ch. 263, 35 Stat. L. 781.]

[SEC. 1.] [*Grant of lands to railroads in Indian reservations for reservoirs, etc. — conveyance of lands — restriction — land for tree planting — use of proceeds.*] * * * That when, in the judgment of the Secretary of the Interior, it is necessary for any railway company owning or operating a line of railway in any Indian reservation to acquire lands in such Indian reservation for reservoirs, material, or ballast pits for the construction, repair, and maintenance of its railway, or for the purpose of planting and growing thereon trees to protect its line of railway, the said Secretary be, and he is hereby, authorized to grant such lands to any such railway company under such terms and conditions and such rules and regulations as may be prescribed by the said Secretary.

That when any railway company desiring to secure the benefits of this provision shall file with the Secretary of the Interior an application describing the lands which it desires to purchase, and upon the payment of the price agreed upon the said Secretary shall cause such lands to be conveyed to the railway company applying therefor upon such terms and conditions as he may deem proper: *Provided*, That no lands shall be acquired under the terms of this provision in greater quantities than forty acres for any one reservoir, and one hundred and sixty acres for any material or ballast pit, to the extent of not more than one reservoir and one material or gravel pit in any one section of ten miles of any such railway in any Indian reservation: *And provided fur*

ther, That the lands acquired for tree planting shall be taken only at such places along the line of the railway company applying therefor as in the judgment of the said Secretary may be necessary, and shall be taken in strips adjoining and parallel with the right of way of the railway company taking the same, and shall not exceed one hundred and fifty feet in width.

That all moneys paid for such lands shall be deposited in the Treasury of the United States to the credit of the tribe or tribes, and the moneys received by said Secretary as damages sustained by individual members of the Indian tribe, which damages shall be ascertained by the Secretary of the Interior and paid by the railway company taking such lands, shall be paid by said Secretary to the Indian or Indians sustaining such damages. [35 Stat. L. 781.]

[Allotment to Indians — limit of acreage.] * * * That the Secretary of the Interior be, and he hereby is, authorized, under the direction of the President, to allot any Indian on the public domain who has not heretofore received an allotment, in such areas as he may deem proper, not to exceed, however, eighty acres of agricultural or one hundred and sixty acres of grazing land to any one Indian, such allotment to be made and patent therefor issued in accordance with the provisions of the Act of February eighth, eighteen hundred and eighty-seven (Twenty-fourth Statutes at Large, three hundred and eighty-eight). [35 Stat. L. 782.]

The Act of Feb. 8, 1887, above mentioned, is given in 3 Fed. Stat. Annot. 492.

[Indian schools — young children.] * * * That no Indian pupil under the age of fourteen years shall be transported at government expense to any Indian school beyond the limits of the State or Territory in which the parents of such child reside or of the adjoining State or Territory. [35 Stat. L. 783.]

[White children in Indian schools.] That hereafter white children may, under rules prescribed by the Commissioner of Indian Affairs, be admitted to Indian boarding schools on the payment of tuition fees at a rate to be fixed in said rules: *Provided further*, That all tuition fees paid for white children so enrolled shall be deposited in the United States Treasury to reimburse the fund out of which the school is supported. [35 Stat. L. 783.]

[Designation by Commissioner of employee to sign letters.] That hereafter the Commissioner of Indian Affairs, with the approval of the Secretary of the Interior, may designate an employee of the Indian Office to sign letters of that office requiring the signature of the commissioner or assistant commissioner, and all signatures of such employee while acting under such designation shall have the same force and effect as if made by said commissioner or assistant commissioner. [35 Stat. L. 783.]

[Allotments in severalty — lease of mineral lands — regulations.] That all lands allotted to Indians in severalty, except allotments made to members of the Five Civilized Tribes and Osage Indians in Oklahoma, may by said allottee be leased for mining purposes for any term of years as may be deemed advisable by the Secretary of the Interior; and the Secretary of the Interior is hereby authorized to perform any and all acts and make such rules and regulations as may be necessary for the purpose of carrying the provisions of this paragraph into full force and effect. [35 Stat. L. 783.]

[Exchange of lands unsuitable for allotment, etc. — restriction — regulations.] That if any Indian of a tribe whose surplus lands have been or shall be ceded or opened to disposal has received or shall receive an allotment embracing

lands unsuitable for allotment purposes, such allotment may be canceled and other unappropriated, unoccupied, and unreserved land of equal area, within the ceded portions of the reservation upon which such Indian belongs, allotted to him upon the same terms and with the same restrictions as the original allotment, and lands described in any such canceled allotment shall be disposed of as other ceded lands of such reservation. This provision shall not apply to the lands formerly comprising Indian Territory. The Secretary of the Interior is authorized to prescribe rules and regulations to carry this law into effect. [35 Stat. L. 784.]

[*Agent's records, etc. — annual report — false entries in transcripts, etc. — penalty.*] That section ten of the Act of March third, eighteen hundred and seventy-five (Eighteenth Statutes at Large, four hundred and fifty-one), be amended so as to read as follows: "Each Indian agent shall keep a book of itemized expenditures of every kind, with a record of all contracts, together with the receipts of moneys from all sources, and the books thus kept shall always be open to inspection; and the said books shall remain in the office at the respective reservations, not to be removed from said reservation by said agent, but shall be safely kept and handed over to his successor and he shall report annually to the Commissioner of Indian Affairs all material on hand and not required for his use: *Provided*, That should any agent knowingly make any false entry in said books, or shall knowingly fail to keep a perfect entry in said books as herein prescribed, he shall be deemed guilty of a misdemeanor and, on conviction before any United States court having jurisdiction of such offense, shall be fined in a sum not less than five hundred nor more than one thousand dollars, at the discretion of the court, and shall be rendered incompetent to hold said office of Indian agent after conviction under said Act." [35 Stat. L. 784.]

Section 10 of the Act of March 3, 1875, hereby amended, is set forth in 3 Fed. Stat. Annot. 349.

INDIAN TERRITORY.

Admission into Union, see STATES.
Indians in, see INDIANS.

INTERSTATE COMMERCE.

Act of June 29, 1906, Ch. 3591, 255.

Sec. 1. Interstate Commerce Regulations — Application — Transportation by Pipe Lines, Railroads, etc., between States, etc. — Express and Sleeping Car Companies — Definition of "Railroad" — Switches, Terminal Facilities, etc. — "Transportation" — Definition — Through Routes — Charges to Be Just and Reasonable — Prohibition — Passes Prohibited — Penalty — Jurisdiction — Railroads Not to Carry Products in Which Interested, etc. — Switches and Cars to Be Furnished — Enforcement, 255.

2. Schedules — Rates and Joint Rates to Be Filed and Posted — Connecting Roads — Details Required — Rates through Foreign Countries — Customs Duty Charged if Rates Not Posted — Changes — Notice Required — Acceptance of Joint Tariff by Carriers — Copies of Traffic Contracts, etc., to Be Filed — Forms of Schedules — Transportation Forbidden unless Rates Filed, etc. — Charges to Be as Specified — Rebates Prohibited — Meaning of "Carrier" — Military Traffic in Time of War, 260.

Corporation Common Carriers — Liability of Corporations for Violating Regulations, etc. — Penalty for Not Filing Tariffs, etc. — Rebates, Concessions, etc., Prohibited — Penalty — Imprisonment Added — Prosecutions — Liability for Acts of Agents, etc. — Departure from Published Rates an Offense — Penalty for Receiving Rebates from Carriers — Additional Fine — Civil Suit to Recover — Amount of Recovery, 261.

3. Investigations — Reports to Give Conclusions, Orders, etc. — Record, etc. — Publications — Receivable as Evidence, 264.

4. Violations — Commission to Determine Just and Reasonable Maximum Rates to Be Observed — Regulations — Order to Carrier — Effect, etc. — Apportionment of Joint Rates, etc. — Through Routes and Joint Rates — Allowance for Instrumentalities of Transportation — Powers Not Excluded, 265.

5. Enforcement — Orders for Money Damages — Proceedings in Circuit Court if Money Be Not Paid — Order of Commission Prima Facie Evidence of Facts — Allowance to Petitioner if Successful — Time of Action — Accrued Claims — Joining of Parties — Service of Process — Service of Orders — Suspension of Orders — Compliance with Orders — Penalty for Failure — Recovery of Forfeiture — Duties of District Attorneys — Costs, etc. — Special Counsel — Enforcement of Other Orders — Proceedings — Issue of Process to Compel Obedience — Powers of Court — Appeals to Supreme Court — Venue of Suits against Commission — By Two or More Carriers — Expediting Hearings — Certificate of Attorney-General — Priority on Appeal — Injunctions, etc., of Orders of Commission — Time and Precedence of Appeals — Schedules of Rates, etc., to Be Kept as Public Records — Receivable as Evidence — Effect of Certified Copies, 268.

6. Rehearings — Applications to Commission — Not to Suspend Enforcement, etc. — Proceedings — Effect of Decision, 271.

7. Annual Reports — Common Carriers and Owners of Railroads to Answer All Questions of Commission — Details — Information as to Rates, Contracts, etc. — Uniform System of Accounts — Submission of Reports under Oath — Penalty for Noncompliance — Monthly and Special Reports — Recovery of Penalty — Administration of Oath — Forms of Accounts, etc. — Access to Records — Examinations — Penalty for Failing to Keep Accounts, etc. — Punishment for False Entries, etc. — Punishment for Divulging Facts by Examiner — Jurisdiction to Com-

pel Compliance with Regulations — Special Agents — Powers — Bills of Lading to Be Issued by Receiving Carrier — Liability for Loss — Existing Remedies — Recovery by Carrier from Line Where Loss Occurred, 271.

Sec. 8. Interstate Commerce Commission — Membership and Pay Increased — Appointment of New Members — Expiration of Terms — Successors to Serve Seven Years, 275.

9. Application of Existing Laws, 275.

10. Laws in Conflict Repealed — Prosecution of Pending Cases, 275.

11. Effect, 276.

Act of May 27, 1908, Ch. 200, 276.

Sec. 1. Investigation of Safety Appliances, etc., by Commission, 276.

Act of March 4, 1909, Ch. 299, 276.

Sec. 1. Railway Safety Appliances — Inspection — Reports on Mail Cars, 276.

CROSS-REFERENCES.

Liability of Carriers to Employees, see LABOR.

False Stamping of Gold and Silver Ware, see FALSE STAMPING.

Pure Food Act, see FOOD AND DRUGS.

Offenses against, see PENAL LAWS.

Commission to Make Regulations for Transportation of Explosives, see sec. 233 under title PENAL LAWS.

Service Hours of Railroad Employees Restricted, see RAILROADS.

Liability of Railroads to Employees, see RAILROADS.

Trademarks, see TRADEMARKS.

An Act To amend an Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission.

[Act of June 29, 1906, ch. 3591, 34 Stat. L. 584.]

[SEC. 1.] [Interstate commerce regulations — application — transportation by pipe lines, railroads, etc., between states, etc. — express and sleeping car companies — definition of "railroad" — switches, terminal facilities, etc. — "transportation" — definition — through routes — charges to be just and reasonable — prohibition — passes prohibited — penalty — jurisdiction — railroads not to carry products in which interested, etc. — switches and cars to be furnished — enforcement.] That section one of an Act entitled "An Act to regulate commerce," approved February fourth, eighteen hundred and eighty-seven, be amended so as to read as follows:

"SEC. 1. That the provisions of this Act shall apply to any corporation or any person or persons engaged in the transportation of oil or other commodity, except water and except natural or artificial gas, by means of pipe lines, or partly by pipe lines and partly by railroad, or partly by pipe lines and partly by water, who shall be considered and held to be common carriers within the meaning and purpose of this Act, and to any common carrier or carriers engaged in the transportation of passengers or property wholly by railroad (or partly by railroad and partly by water when both are used under a common control, management, or arrangement for a continuous carriage or shipment), from one State or Territory of the United States, or the District of Columbia, to any other State or Territory of the United States, or the District of Columbia, or from one place in a Territory to another place in the same Territory, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United

States, and also to the transportation in like manner of property shipped from any place in the United States to a foreign country and carried from such place to a port of transshipment, or shipped from a foreign country to any place in the United States and carried to such place from a port of entry either in the United States or an adjacent foreign country: *Provided, however,* That the provisions of this Act shall not apply to the transportation of passengers or property, or to the receiving, delivering, storage, or handling of property wholly within one State and not shipped to or from a foreign country from or to any State or Territory as aforesaid. The term 'common carrier' as used in this Act shall include express companies and sleeping car companies. The term 'railroad,' as used in this Act, shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any corporation operating a railroad, whether owned or operated under a contract, agreement, or lease, and shall also include all switches, spurs, tracks, and terminal facilities of every kind used or necessary in the transportation of the persons or property designated herein, and also all freight depots, yards, and grounds used or necessary in the transportation or delivery of any of said property; and the term 'transportation' shall include cars and other vehicles and all instrumentalities and facilities of shipment or carriage, irrespective of ownership or of any contract, express or implied, for the use thereof and all services in connection with the receipt, delivery, elevation, and transfer in transit, ventilation, refrigeration or icing, storage, and handling of property transported; and it shall be the duty of every carrier subject to the provisions of this Act to provide and furnish such transportation upon reasonable request therefor and to establish through routes and just and reasonable rates applicable thereto. All charges made for any service rendered or to be rendered in the transportation of passengers or property as aforesaid, or in connection therewith, shall be just and reasonable; and every unjust and unreasonable charge for such service or any part thereof is prohibited and declared to be unlawful. [34 Stat. L. 584.]

"No common carrier subject to the provisions of this Act shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute, and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to railway mail service employees, post-office inspectors, customs inspectors, and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: *Provided,* That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous

visitation: *Provided further*, That the term 'employees' as used in this paragraph shall include furloughed, pensioned, and superannuated employees, persons who have become disabled or infirm in the service of any such common carrier, and the remains of a person killed in the employment of a carrier and ex-employees traveling for the purpose of entering the service of any such common carrier; and the term 'families' as used in this paragraph shall include the families of those persons named in this proviso, also the families of persons killed while in the service of any such common carrier. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an Act entitled 'An Act to further regulate commerce with foreign nations and among the States,' approved February nineteenth, nineteen hundred and three, and any amendment thereof. [35 Stat. L. 60.]

The above paragraph was amended to read as here given by the Act of April 13, 1908, ch. 143, 35 Stat. L. 60. Originally this paragraph was as follows:

"No common carrier subject to the provisions of this Act, shall, after January first, nineteen hundred and seven, directly or indirectly, issue or give any interstate free ticket, free pass, or free transportation for passengers, except to its employees and their families, its officers, agents, surgeons, physicians, and attorneys at law; to ministers of religion, traveling secretaries of railroad Young Men's Christian Associations, inmates of hospitals and charitable and eleemosynary institutions, and persons exclusively engaged in charitable and eleemosynary work; to indigent, destitute and homeless persons, and to such persons when transported by charitable societies or hospitals, and the necessary agents employed in such transportation; to inmates of the National Homes or State Homes for Disabled Volunteer Soldiers, and of Soldiers' and Sailors' Homes, including those about to enter and those returning home after discharge and boards of managers of such Homes; to necessary care takers of live stock, poultry, and fruit; to employees on sleeping cars, express cars, and to linemen of telegraph and telephone companies; to Railway Mail Service

employees, post-office inspectors, customs inspectors and immigration inspectors; to newsboys on trains, baggage agents, witnesses attending any legal investigation in which the common carrier is interested, persons injured in wrecks and physicians and nurses attending such persons: *Provided*, That this provision shall not be construed to prohibit the interchange of passes for the officers, agents, and employees of common carriers, and their families; nor to prohibit any common carrier from carrying passengers free with the object of providing relief in cases of general epidemic, pestilence, or other calamitous visitation. Any common carrier violating this provision shall be deemed guilty of a misdemeanor and for each offense, on conviction, shall pay to the United States a penalty of not less than one hundred dollars nor more than two thousand dollars, and any person, other than the persons excepted in this provision, who uses any such interstate free ticket, free pass, or free transportation, shall be subject to a like penalty. Jurisdiction of offenses under this provision shall be the same as that provided for offenses in an act entitled 'An Act to further regulate commerce with foreign nations and among the states,' approved February nineteenth, nineteen hundred and three, and any amendment thereof." [34 Stat. L. 584.]

"From and after May first, nineteen hundred and eight, it shall be unlawful for any railroad company to transport from any State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or to any foreign country, any article or commodity, other than timber and the manufactured products thereof, manufactured, mined, or produced by it, or under its authority, or which it may own in whole, or in part, or in which it may have any interest direct or indirect except such articles or commodities as may be necessary and intended for its use in the conduct of its business as a common carrier. Any common carrier subject to the provisions of this Act, upon application of any lateral, branch line of railroad, or of any shipper tendering interstate traffic for transportation, shall construct, maintain, and operate upon reasonable terms a switch connection with any such lateral, branch

line of railroad, or private side track which may be constructed to connect with its railroad, where such connection is reasonably practicable and can be put in with safety and will furnish sufficient business to justify the construction and maintenance of the same; and shall furnish cars for the movement of such traffic to the best of its ability without discrimination in favor of or against any such shipper. If any common carrier shall fail to install and operate any such switch or connection as aforesaid, on application therefor in writing by any shipper, such shipper may make complaint to the Commission, as provided in section thirteen of this Act, and the Commission shall hear and investigate the same and shall determine as to the safety and practicability thereof and justification and reasonable compensation therefor and the Commission may make an order, as provided in section fifteen of this Act, directing the common carrier to comply with the provisions of this section in accordance with such order, and such order shall be enforced as hereinafter provided for the enforcement of all other orders by the Commission, other than orders for the payment of money.["] [34 Stat. L. 585.]

Section 1 of the Interstate Commerce Act is given in 3 Fed. Stat. Annot. 809. The Act of Feb. 19, 1903, above referred to, is given in 10 Fed. Stat. Annot. 170.

Express companies, prior to this Act, were not specifically subject to the terms of the Interstate Commerce Act of 1887, and the several amendments thereto, as common carriers. By virtue of its provisions they stand as though they had been named in the Act of 1887; and they are in no respect in an attitude different from that of a railroad, save in so far as the language of the Act necessarily excludes them. Hence, conceding that prior to the passage of this law it was lawful for an express company to transport property from one state to another without demanding full rate of payment therefor as published, such transactions since this enactment are unlawful as contravening the following provisions: the second and third provisions of the Act of 1887, against unjust and unreasonable discrimination in the transportation of persons and property; the sixth section of the Act of 1887, as amended by the present Act, prohibiting the taking of any greater or less sum for the transportation of passengers or property than that named in the tariffs filed; and the first section of the Act of Feb. 19, 1903, known as the "Elkins Act," as amended by the present statute, making it unlawful to offer or accept any rebate from the published rate, or other discrimination in respect of the transportation of any property whereby any advantage is given. *U. S. v. Wells-Fargo Express Co.*, 161 Fed. 606, *affirmed* 212 U. S. 522, 29 Sup. Ct. Rep. 315.

Free pass — Acts constituting violation of Act. — Where a common carrier issues an interstate free pass to one of its employees, and the employee delivers the pass to a person not authorized by the statute to receive or use it, and such person does use the same on an interstate journey, he violates this Act; and the employee delivering the pass to such person is guilty of aiding and abetting in the violation. *U. S. v. Williams*, 159 Fed. 310.

Effect upon contractual rights. — It has been held that sections 1 and 2 of this Act do not invalidate a prior contract by which an

interstate carrier has agreed, in consideration of a release from an accrued liability for damages for personal injuries, to furnish free annual passes over all of its lines to the person injured, during the natural life of such person. Such a contract is based upon a valuable consideration, amounting to payment for the passes, although they are denominated "free," and it is not the intention of the statute to operate retrospectively so as to impair vested rights. The statute is to be construed as if, in its general language, such contracts had been expressly excepted from its operation. *Mottley v. Louisville, etc., R. Co.*, (1907) 150 Fed. 406. This case was reversed in 211 U. S. 149, on the sole ground, however, of want of jurisdiction in the federal Circuit Court, the merits of the case not being considered by the Supreme Court.

Persons punishable. — The prohibition of free transportation in the above section prescribes no punishment for the officer, agent, or servant of a railroad company who issues prohibited free interstate transportation, or for a person who receives free passes and instead of using them himself disposes of them to others who ride on them. The railroad company and the persons actually riding on the free transportation are alone punishable under the above section. But an officer issuing free passes, and persons receiving them and disposing of them to others who use them, may be indicted and punished, under the statute (R. S. § 5440, 2 Fed. Stat. Annot. 247), for conspiracy to cause a violation of the above section. *U. S. v. Clark*, (1908) 164 Fed. 75.

In the **Commodities Clause Cases**, 213 U. S. 366, 29 Sup. Ct. Rep. 527, the Supreme Court held that under this clause of the statute it is not illegal for a railroad company to transport in interstate commerce coal which has been mined by it, but which was sold before being transported, nor to transport coal owned by a mining corporation in which the railroad is a stockholder.

In these cases the construction of the clause above referred to and the constitutionality of the Act as construed were passed upon.

Construction. — The government, in this case, insisted that this provision prohibits

railroad companies from transporting in interstate commerce articles or commodities other than the excepted class, which have been manufactured, mined, or produced by them or under their authority, or which they own or may have owned, in whole or in part, or in which they have or may have had any interest, direct or indirect. These prohibitions, it further was insisted, apply to the transportation by a railroad company in interstate commerce of a commodity which has been manufactured, mined, or produced by a corporation in which the transporting company is a stockholder, irrespective of the extent of such stock ownership.

The text of the above clause, the court said, apparently applies four generic prohibitions; that is, it forbids a railroad carrier from transporting in interstate commerce articles or commodities (1) which it has manufactured, mined, or produced; (2) which have been so mined, manufactured, or produced under its authority; (3) which it owns in whole or in part; and (4) in which it has an interest, direct or indirect. And the court concluded that a literal construction of this clause would bring about an irreconcilable conflict between its provisions. This was arrived at upon the following reasoning: "It is clear that the two prohibitions which relate to manufacturing, mining, etc., and the ownership resulting therefrom, are, if literally construed, not confined to the time when a carrier transports the commodities with which the prohibitions are concerned, and hence the prohibitions attach and operate upon the right to transport the commodity because of the antecedent acts of manufacture, mining, or production. Certain also is it that the two prohibitions concerning ownership in whole or in part, and interest direct or indirect, speak in the present, and not in the past; that is, they refer to the time of the transportation of the commodities. These last prohibitions, therefore, differing from the first two, do not control the commodities if, at the time of the transportation, they are not owned in whole or in part by the transporting carrier, or if it then has no interest, direct or indirect, in them. From this it follows that the construction which the government places upon the clause as a whole is in direct conflict with the literal meaning of the prohibitions as to ownership and interest, direct or indirect. If the first two classes of prohibitions as to manufacturing, mining, or production be given their literal meaning, and therefore be held to prohibit, irrespective of the relation of the carrier to the commodity at the time of transportation, and a literal interpretation be applied to the remaining prohibitions as to ownership and interest, thus causing them only to apply if such ownership and interest exist at the time of transportation, the result would be to give to the statute a self-annihilative meaning. This is the case, since, in practical execution, it would come to pass that where a carrier had manufactured, mined, and produced commodities, and had sold them in good faith, it could not transport them; but, on the other hand, if the carrier had owned commodities and sold them it could carry them without violating the

law. The consequence, therefore, would be that the statute, because of an immaterial distinction between the sources from which ownership arose, would prohibit transportation in one case and would permit it in another like case." In view of this conflict the court considered it necessary to harmonize the provisions of the clause by construing all the prohibitions as contemplating dissociation of railroad companies from the products which they transport, prior to transportation, whether the association resulted from manufacture, mining, production, or ownership, or interest, direct or indirect.

In regard to the nature and character of the interest embraced by the words "in which it may have any interest, direct or indirect," the court held that this "includes only commodities in which a carrier has a legal interest, and therefore does not exclude the right to carry commodities which have been manufactured, mined, produced, or owned by a separate and distinct corporation, simply because the transporting carrier may be interested in the producing, etc., corporation as an owner of stock therein."

The court concluded that the statute is to be construed "as prohibiting a railroad company engaged in interstate commerce from transporting in such commerce articles or commodities under the following circumstances and conditions: (a) when the article or commodity has been manufactured, mined, or produced by a carrier or under its authority, and at the time of transportation the carrier has not, in good faith, before the act of transportation, dissociated itself from such article or commodity; (b) when the carrier owns the article or commodity to be transported, in whole or in part; (c) when the carrier, at the time of transportation, has an interest, direct or indirect, in a legal or equitable sense, in the article or commodity, not including, therefore, articles or commodities manufactured, mined, produced, or owned, etc., by a *bona fide* corporation in which the railroad company is a stockholder."

Mr. Justice Harlan dissented from the majority of the court, saying: "In my judgment the Act, reasonably and properly construed, according to its language, includes within its prohibitions a railroad company transporting coal, if, at the time, it is the owner, legally or equitably, of stock—certainly, if it owns a majority or all the stock—in the company which mined, manufactured, or produced, and then owns, the coal which is being transported by such railroad company. Any other view of the Act will enable the transporting railroad company, by one device or another, to defeat altogether the purpose which Congress had in view, which was to divorce, in a real, substantial sense, production and transportation, and thereby to prevent the transporting company from doing injustice to other owners of coal."

Constitutionality.—As construed above the court held the statute to be within the power of Congress to enact as a regulation of commerce—*reversing* 164 Fed. 215, wherein it was held that the commerce clause of the Federal Constitution is to be construed in connection with other provisions of the same

instrument, and does not confer on Congress plenary power to control, restrict, and prohibit interstate commerce arbitrarily, without regard to any rights of personal liberty and property; and that the clause above, forbidding railroad companies to transport articles manufactured, mined, or produced by them, etc., is void so far as it attempts to prohibit railroad companies from transporting coal from mines owned and operated by them, under legislative authority, long prior to the passage of the Act, because such prohibition is a deprivation of liberty and property without due process of law, in contravention of the Fifth Amendment to the Federal Constitution.

Contentions that the clause transcends the limits of regulation of commerce, that it is void because of the exception as to timber and the manufactured products thereof, and that it is void because of the nature and character

of the penalties which it imposes, the court held to be without merit.

Switch connections.—This clause relating to this subject is intended to provide that shippers located upon branch or lateral lines shall be accorded the same kind of treatment that is furnished to those whose mines are located on the main line of the carrier. *U. S. v. Baltimore, etc., R. Co., (C. C. A.) 165 Fed. 131.*

Cars not owned by carrier.—The duty under this provision and the Act (Act Feb. 4, 1887, ch. 104, sec. 3) amended by it of furnishing a fair and equal distribution of facilities to shippers cannot be evaded by the carrier by claiming that it is not the owner of a portion of the cars carried over its lines. *U. S. v. Baltimore, etc., R. Co., (C. C. A.) 165 Fed. 113.*

In addition to the annotations of this section, see also *infra*, notes to sec. 2.

SEC. 2. [*Schedules—rates and joint rates to be filed and posted—connecting roads—details required—rates through foreign countries—customs duty charged if rates not posted—changes—notice required—acceptance of joint tariff by carriers—copies of traffic contracts, etc., to be filed—forms of schedules—transportation forbidden unless rates filed, etc.—charges to be as specified—rebates prohibited—meaning of “carrier”—military traffic in time of war.*] That section six of said Act, as amended March second, eighteen hundred and eighty-nine, be amended so as to read as follows:

“**SEC. 6.** That every common carrier subject to the provisions of this Act shall file with the Commission created by this Act and print and keep open to public inspection schedules showing all the rates, fares, and charges for transportation between different points on its own route and between points on its own route and points on the route of any other carrier by railroad, by pipe line, or by water when a through route and joint rate have been established. If no joint rate over the through route has been established, the several carriers in such through route shall file, print and keep open to public inspection as aforesaid, the separately established rates, fares and charges applied to the through transportation. The schedules printed as aforesaid by any such common carrier shall plainly state the places between which property and passengers will be carried, and shall contain the classification of freight in force, and shall also state separately all terminal charges, storage charges, icing charges, and all other charges which the Commission may require, all privileges or facilities granted or allowed and any rules or regulations which in any wise change, affect, or determine any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger, shipper, or consignee. Such schedules shall be plainly printed in large type, and copies for the use of the public shall be kept posted in two public and conspicuous places in every depot, station, or office of such carrier where passengers or freight, respectively, are received for transportation, in such form that they shall be accessible to the public and can be conveniently inspected. The provisions of this section shall apply to all traffic, transportation, and facilities defined in this Act. Any common carrier subject to the provisions of this Act receiving freight in the United States to be carried through a foreign country to any place in the United States shall also in like manner print and keep open to public inspection, at every depot or office where such freight is received for shipment, schedules showing the through rates established and charged by such common carrier to all points

in the United States beyond the foreign country to which it accepts freight for shipment; and any freight shipped from the United States through a foreign country into the United States the through rate on which shall not have been made public, as required by this Act, shall, before it is admitted into the United States from said foreign country, be subject to customs duties as if said freight were of foreign production. No change shall be made in the rates, fares, and charges or joint rates, fares, and charges which have been filed and published by any common carrier in compliance with the requirements of this section, except after thirty days' notice to the Commission and to the public published as aforesaid, which shall plainly state the changes proposed to be made in the schedule then in force and the time when the changed rates, fares, or charges will go into effect; and the proposed changes shall be shown by printing new schedules, or shall be plainly indicated upon the schedules in force at the time and kept open to public inspection: *Provided*, That the Commission may, in its discretion and for good cause shown, allow changes upon less than the notice herein specified, or modify the requirements of this section in respect to publishing, posting, and filing of tariffs, either in particular instances or by a general order applicable to special or peculiar circumstances or conditions. The names of the several carriers which are parties to any joint tariff shall be specified therein, and each of the parties thereto, other than the one filing the same, shall file with the Commission such evidence of concurrence therein or acceptance thereof as may be required or approved by the Commission, and where such evidence of concurrence or acceptance is filed it shall not be necessary for the carriers filing the same to also file copies of the tariffs in which they are named as parties. Every common carrier subject to this Act shall also file with said Commission copies of all contracts, agreements, or arrangements with other common carriers in relation to any traffic affected by the provisions of this Act to which it may be a party. The Commission may determine and prescribe the form in which the schedules required by this section to be kept open to public inspection shall be prepared and arranged and may change the form from time to time as shall be found expedient. No carrier, unless otherwise provided by this Act, shall engage or participate in the transportation of passengers or property, as defined in this Act, unless the rates, fares, and charges upon which the same are transported by said carrier have been filed and published in accordance with the provisions of this Act; nor shall any carrier charge or demand or collect or receive a greater or less or different compensation for such transportation of passengers or property, or for any service in connection therewith, between the points named in such tariffs than the rates, fares, and charges which are specified in the tariff filed and in effect at the time; nor shall any carrier refund or remit in any manner or by any device any portion of the rates, fares, and charges so specified, nor extend to any shipper or person any privileges or facilities in the transportation of passengers or property, except such as are specified in such tariffs: *Provided*, That wherever the word "carrier" occurs in this Act it shall be held to mean "common carrier." That in time of war or threatened war preference and precedence shall, upon the demand of the President of the United States, be given, over all other traffic, to the transportation of troops and material of war, and carriers shall adopt every means within their control to facilitate and expedite the military traffic." [34 Stat. L. 586.]

[*Corporation common carriers — liability of corporations for violating regulations, etc. — penalty for not filing tariffs, etc. — rebates, concessions, etc., prohibited — penalty — imprisonment added — prosecutions — liability for acts of agents, etc. — departure from published rates an offense — penalty for*

receiving rebates from carriers — additional fine — civil suit to recover — amount of recovery.] That section one of the Act entitled "An Act to further regulate commerce with foreign nations and among the States," approved February nineteenth, nineteen hundred and three, be amended so as to read as follows:

"That anything done or omitted to be done by a corporation common carrier, subject to the Act to regulate commerce and the Acts amendatory thereof, which, if done or omitted to be done by any director or officer thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by such corporation, would constitute a misdemeanor under said Acts or under this Act, shall also be held to be a misdemeanor committed by such corporation, and upon conviction thereof it shall be subject to like penalties as are prescribed in said Acts or by this Act with reference to such persons, except as such penalties are herein changed. The willful failure upon the part of any carrier subject to said Acts to file and publish the tariffs or rates and charges as required by said Acts, or strictly to observe such tariffs until changed according to law, shall be a misdemeanor, and upon conviction thereof the corporation offending shall be subject to a fine of not less than one thousand dollars nor more than twenty thousand dollars for each offense; and it shall be unlawful for any person, persons, or corporation to offer, grant, or give, or to solicit, accept, or receive any rebate, concession, or discrimination in respect to the transportation of any property in interstate or foreign commerce by any common carrier subject to said Act to regulate commerce and the Acts amendatory thereof whereby any such property shall by any device whatever be transported at a less rate than that named in the tariffs published and filed by such carrier, as is required by said Act to regulate commerce and the Acts amendatory thereof, or whereby any other advantage is given or discrimination is practiced. Every person or corporation, whether carrier or shipper, who shall, knowingly, offer, grant, or give, or solicit, accept, or receive any such rebates, concession, or discrimination shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not less than one thousand dollars nor more than twenty thousand dollars: *Provided*, That any person, or any officer or director of any corporation subject to the provisions of this Act, or the Act to regulate commerce and the Acts amendatory thereof, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation, who shall be convicted as aforesaid, shall, in addition to the fine herein provided for, be liable to imprisonment in the penitentiary for a term of not exceeding two years, or both such fine and imprisonment, in the discretion of the court. Every violation of this section shall be prosecuted in any court of the United States having jurisdiction of crimes within the district in which such violation was committed, or through which the transportation may have been conducted; and whenever the offense is begun in one jurisdiction and completed in another it may be dealt with, inquired of, tried, determined, and punished in either jurisdiction in the same manner as if the offense had been actually and wholly committed therein. In construing and enforcing the provisions of this section, the act, omission, or failure of any officer, agent, or other person acting for or employed by any common carrier, or shipper, acting within the scope of his employment, shall in every case be also deemed to be the act, omission, or failure of such carrier or shipper as well as that of the person. Whenever any carrier files with the Interstate Commerce Commission or publishes a particular rate under the provisions of the Act to regulate commerce or Acts amendatory thereof, or participates in any rates so filed or published, that rate as against such carrier, its officers or agents, in any prosecution begun under this Act shall be conclusively deemed to be the legal

rate, and any departure from such rate, or any offer to depart therefrom, shall be deemed to be an offense under this section of this Act. Any person, corporation, or company who shall deliver property for interstate transportation to any common carrier, subject to the provisions of this Act, or for whom as consignor or consignee, any such carrier shall transport property from one State, Territory, or the District of Columbia, to any other State, Territory, or the District of Columbia, or foreign country, who shall knowingly by employee, agent, officer, or otherwise, directly or indirectly, by or through any means or device whatsoever, receive or accept from such common carrier any sum of money or any other valuable consideration as a rebate or offset against the regular charges for transportation of such property, as fixed by the schedules of rates provided for in this Act, shall in addition to any penalty provided by this Act forfeit to the United States a sum of money three times the amount of money so received or accepted and three times the value of any other consideration so received or accepted, to be ascertained by the trial court; and the Attorney-General of the United States is authorized and directed, whenever he has reasonable grounds to believe that any such person, corporation, or company has knowingly received or accepted from any such common carrier any sum of money or other valuable consideration as a rebate or offset as aforesaid, to institute in any court of the United States of competent jurisdiction, a civil action to collect the said sum or sums so forfeited as aforesaid; and in the trial of said action all such rebates or other considerations so received or accepted for a period of six years prior to the commencement of the action, may be included therein, and the amount recovered shall be three times the total amount of money, or three times the total value of such consideration, so received or accepted, or both, as the case may be." [34 Stat. L. 587.]

Section 6 of the Interstate Commerce Act is given in 3 Fed. Stat. Annot. 872. Section 1 of the Act of Feb. 19, 1903, above amended, is set forth in 10 Fed. Stat. Annot. 170.

The plain intention of Congress in the interstate rate legislation was to close every avenue against discrimination. This purpose is even more apparent in the present Act than in the Acts which it amends. Bearing this in mind, the courts, in construing the Act, will not hesitate in giving significance to changes in the language of the statutes as they occur from time to time. *U. S. v. Chicago, etc., R. Co.*, (1908) 163 Fed. 114.

Foreign shipments. — That the shipment, although made from a foreign country to a place in the United States, is subject to the interstate commerce law, is evident from the terms of the law, and being subject to the operation of the law, it follows that the provisions in relation to posting and publishing schedules of rates on such shipments also must apply. *Fisher v. Great Northern R. Co.*, (Wash.) 95 Pac. 77, 78.

Effect on transferability of tickets. — Under the requirement of this Act that the published schedules filed with the commission must show "all privileges or facilities granted or allowed," as well as any rules or regulations which affect "any part or the aggregate of such aforesaid rates, fares, and charges, or the value of the service rendered to the passenger," etc., a railroad company cannot enforce a rule, printed on its tickets, that such tickets shall not be transferable, where its published schedules fail to mention the nontransferable

feature. "The sale and transfer of the ticket is not only a privilege, but a right which directly enters into and affects the value of the ticket; and hence, if either the right is to be denied or the privilege abridged, under the plain language of the Act in question, it must be shown in the published tariff and schedule of the company." *Baltimore, etc., R. Co. v. Hamburger*, (1907) 155 Fed. 849.

Presumption as to compliance. — It will be presumed, in the absence of evidence to the contrary, that every common carrier engaged in interstate commerce has complied with the above section by establishing rates and printing, filing, publishing, and posting them. *Meeker v. Lehigh Valley R. Co.*, (1908) 162 Fed. 354.

By the addition of the word "different" to the words "greater or less" of the Act, by the above, in the prohibition against charging or receiving "a greater or less or different compensation" than the rates, etc., specified in the tariff filed, it was the intention of Congress to make the law more explicit and more difficult to evade. *U. S. v. Chicago, etc., R. Co.*, (1908) 163 Fed. 114.

Exchanging transportation for advertising. — In *U. S. v. Chicago, etc., R. Co.*, (1908) 163 Fed. 114, it was held that the prohibition above against "a greater or less or different compensation" than that specified in the tariff filed, made illegal an agreement by a railroad company to furnish transportation to a stipulated amount, under certain restrictions, in payment for magazine advertising. The court reasoned that there can be no fixed

value placed in advance upon advertising, its value depending upon the number of copies of the publication issued, the character of its subscribers, and many other questions; that the fact that the publisher of the advertising accepted transportation under restrictions and conditions indicated that his advertising was of less than the cash value specified, since for the cash he could have purchased transportation free from the restrictions; and that since, under the contract, the publisher could have demanded the whole amount of transportation at the beginning of the term, before anything had been earned, in the mere matter of interest, the rate would be less than and different from that published.

Quotation of lower rate. — The shipper cannot, except at his own risk, obtain information as to rates otherwise than from the schedules. Though a common carrier, by mistake or otherwise, quotes a shipper a rate lower than that stated in the schedules and delivers the goods upon payment of the charges calculated according to the rate so quoted, the carrier nevertheless thereafter may demand of the shipper the difference between the rate collected and that which should have been collected, and upon his refusal to pay may maintain an action therefor. *Georgia R. Co. v. Creety*, (Ga.) 63 S. E. 528.

See also *infra*, notes to sec. 10.

Effect on previous Act. — By this Act, section 1 of the Act of Feb. 19, 1903, was amended by inserting after the words "every person or corporation," in the clause declaring the parties guilty of a misdemeanor, the words "whether carrier or shipper," and also by inserting in such clause, after the words "who shall," the word "knowingly;" by striking out the clause providing that no penalty shall be imposed other than a fine, and inserting in lieu thereof the proviso, in substance, that any person or any officer or director of any corporation subject to the provisions of the Act, or any receiver, trustee, lessee, agent, or person acting for or employed by any such corporation shall, in addition to the fine, be liable to imprisonment; and by inserting after the word "carrier," in the two instances in which it appears in the sentence beginning "in construing and enforcing," the words "or shipper." *U. S. v. Chicago, etc., R. Co.*, (1907) 151 Fed. 84, *affirmed sub nom.* *Great Northern R. Co. v. U. S.*, 155 Fed. 945, 208 U. S. 452.

The effect of knowingly offering, soliciting, giving, or taking rebates, etc., under the prior Act of Feb. 19, 1903, is unaffected by the above section, and the punishment therefor is unchanged. As to them, the prior law is not abrogated or repealed, but is preserved and continued, and the liability of the offender to prosecution and punishment, whether the offense was committed before or after this Act, is unaffected. But in so far as the original enactment embraces such acts when not know-

ingly done, it is repealed by this Act. Prosecutions for such offenses under the prior Act, however, even though not alleged to have been knowingly committed, and not actually begun at the date of the passage of the present law, are saved by R. S. sec. 13, with which section 10 of the present Act is not in conflict. *Great Northern R. Co. v. U. S.* (C. C. A. 1907) 155 Fed. 945, *affirming sub nom.* *U. S. v. Chicago, etc., R. Co.*, (1907) 151 Fed. 84, and *affirmed* 208 U. S. 452.

Offense committed before adoption. — In *U. S. v. New York Cent., etc., R. Co.*, (1906) 146 Fed. 298, 305, District Judge Holt, of New York, ruled that the provision immediately following the word "provided" above is not retrospective and does not make any person liable to imprisonment for offenses committed before the passage of this Act; "but it authorizes the inference that, in the opinion of Congress, without such an amendment, no punishment by imprisonment for such offenses could be imposed."

Venue of offense. — By this amendment the Act to regulate commerce was strengthened by the provisions making it unlawful for any carrier which has not filed its rates to transport passengers or property in interstate commerce, and by addition of the penalty of imprisonment for individuals. Only by virtue of the present enactment can a prosecution against a carrier for transporting goods without first having filed its schedule of rates be maintained. Heretofore the Act made failure to file rates with the commission at Washington an offense, but did not provide that transportation without filing rates should also be an offense. Under the old law, therefore, it was decided that the prosecution for failure to file could be brought only in the District of Columbia, where the office of the commission is situated. By the amendment, however, the prosecution for transportation when rates have not been filed may be brought in any district through which the transportation passes. *New York Cent., etc., R. Co. v. U. S.*, 166 Fed. 270; *U. S. v. Illinois Terminal R. Co.*, 168 Fed. 546.

See also *supra*, notes to sec. 1.

The insertion of the word "knowingly" in the above provision in the clause making the offering, etc., of rebates a misdemeanor, does not make it necessary that indictments subsequently found for violations of the Act of Feb. 19, 1903, which took place prior to the enactment of the present provision, should allege the violations to have been "knowingly" committed. This view necessarily follows from the holding, stated in the notes to section 10 of the Act, *infra*, that that section, construed in connection with R. S. sec. 13, does not release or extinguish any liability incurred under the prior Act. *U. S. v. Delaware, etc., R. Co.*, (1907) 152 Fed. 269.

See also *supra*, notes to sec. 1.

SEC. 3. [*Investigations — reports to give conclusions, orders, etc. — record, etc. — publications — receivable as evidence.*] That section fourteen of said Act, as amended March second, eighteen hundred and eighty-nine, be amended so as to read as follows:

"SEC. 14. That whenever an investigation shall be made by said Commission, it shall be its duty to make a report in writing in respect thereto, which shall state the conclusions of the Commission, together with its decision, order, or requirement in the premises; and in case damages are awarded such report shall include the findings of fact on which the award is made. All reports of investigations made by the Commission shall be entered of record, and a copy thereof shall be furnished to the party who may have complained, and to any common carrier that may have been complained of. The Commission may provide for the publication of its reports and decisions in such form and manner as may be best adapted for public information and use, and such authorized publications shall be competent evidence of the reports and decisions of the Commission therein contained in all courts of the United States and of the several States without any further proof or authentication thereof. The Commission may also cause to be printed for early distribution its annual reports." [34 Stat. L. 589.]

Section 14 of the Interstate Commerce Act is given in 3 Fed. Stat. Annot. 843.

SEC. 4. [*Violations — commission to determine just and reasonable maximum rates to be observed — regulations — order to carrier — effect, etc. — apportionment of joint rates, etc. — through routes and joint rates — allowance for instrumentalities of transportation — powers not excluded.*] That section fifteen of said Act be amended so as to read as follows:

"SEC. 15. That the Commission is authorized and empowered, and it shall be its duty, whenever, after full hearing upon a complaint made as provided in section thirteen of this Act, or upon complaint of any common carrier, it shall be of the opinion that any of the rates, or charges whatsoever, demanded, charged, or collected by any common carrier or carriers, subject to the provisions of this Act, for the transportation of persons or property as defined in the first section of this Act, or that any regulations or practices whatsoever of such carrier or carriers affecting such rates, are unjust or unreasonable, or unjustly discriminatory, or unduly preferential or prejudicial, or otherwise in violation of any of the provisions of this Act, to determine and prescribe what will be the just and reasonable rate or rates, charge or charges, to be thereafter observed in such case as the maximum to be charged; and what regulation or practice in respect to such transportation is just, fair, and reasonable to be thereafter followed; and to make an order that the carrier shall cease and desist from such violation, to the extent to which the Commission find the same to exist, and shall not thereafter publish, demand, or collect any rate or charge for such transportation in excess of the maximum rate or charge so prescribed, and shall conform to the regulation or practice so prescribed. All orders of the Commission, except orders for the payment of money, shall take effect within such reasonable time, not less than thirty days, and shall continue in force for such period of time, not exceeding two years, as shall be prescribed in the order of the Commission, unless the same shall be suspended or modified or set aside by the Commission or be suspended or set aside by a court of competent jurisdiction. Whenever the carrier or carriers, in obedience to such order of the Commission or otherwise, in respect to joint rates, fares, or charges, shall fail to agree among themselves upon the apportionment or division thereof, the Commission may after hearing make a supplemental order prescribing the just and reasonable proportion of such joint rate to be received by each carrier party thereto, which order shall take effect as a part of the original order. The Commission may also, after hearing on a complaint, establish through routes and joint rates as the maxi-

imum to be charged and prescribe the division of such rates as hereinbefore provided, and the terms and conditions under which such through routes shall be operated, when that may be necessary to give effect to any provision of this Act, and the carriers complained of have refused or neglected to voluntarily establish such through routes and joint rates, provided no reasonable or satisfactory through route exists, and this provision shall apply when one of the connecting carriers is a water line. If the owner of property transported under this Act directly or indirectly renders any service connected with such transportation, or furnishes any instrumentality used therein, the charge and allowance therefor shall be no more than is just and reasonable, and the Commission may, after hearing on a complaint, determine what is a reasonable charge as the maximum to be paid by the carrier or carriers for the service so rendered or for the use of the instrumentality so furnished, and fix the same by appropriate order, which order shall have the same force and effect and be enforced in like manner as the orders above provided for in this section. The foregoing enumeration of powers shall not exclude any power which the Commission would otherwise have in the making of an order under the provisions of this Act." [34 Stat. L. 589.]

Section 15 of the Interstate Commerce Act is given in 3 Fed. Stat. Annot. 843.

Extent of power of commission. — The power conferred on the Interstate Commerce Commission to determine and prescribe what are reasonable rates and charges is subject to the provisions of the Fifth Amendment of the Federal Constitution. The rates prescribed must be just and reasonable within the constitutional guaranty and must not be unjustly discriminatory or unduly preferential. Regard must be had both for the interests of the carrier and for the value of the service to the public. But in a suit attacking an order of the Interstate Commerce Commission fixing rates and charges under the above provision, the presumption is in favor of the validity of the order, and the burden of showing that the facts are such as to render it invalid rests upon the carrier assailing it. *Missouri, etc., R. Co. v. Interstate Commerce Commission*, (1908) 164 Fed. 645.

Effect upon power of courts to pass upon reasonableness of rates. — Congress has conferred upon the Interstate Commerce Commission plenary power to determine in the first instance what rates for the transportation of interstate commerce are proper, just, and reasonable, and what are improper, unjust, excessive, and consequently, when so declared, illegal. And complaining shippers are relegated to the commission, in the first instance, at least, for the settlement and determination of the propriety and reasonableness of established rates. *Potlatch Lumber Co. v. Spokane Falls, etc., R. Co.*, 157 Fed. 588; *Meeker v. Lehigh Valley R. Co.*, 162 Fed. 354; *Great Northern R. Co. v. Kalispell Lumber Co.*, (C. C. A.) 165 Fed. 25; *Atlantic Coast Line R. Co. v. Macon Grocery Co.*, 166 Fed. 206, reversing 163 Fed. 738. Hence, there is no power vested in any court to declare an established or proposed rate unreasonable or to enjoin its enforcement prior to the decision of the commission. *Potlatch Lumber Co. v. Spokane Falls, etc., R. Co.*, 157 Fed. 588; *Great Northern R. Co. v. Kalispell Lumber Co.*, (C. C. A.) 165 Fed. 25; *Atlantic Coast Line R. Co. v. Macon Grocery Co.*, 166 Fed. 206,

reversing 163 Fed. 738. Two district judges, however, have taken the view that the federal courts, sitting in equity, have jurisdiction to prevent by injunction the enforcement of a proposed rate which would be unreasonable, unjust, and in restraint of commerce, such injunction to remain in force for a reasonable length of time to allow presentation of the matter to the Interstate Commerce Commission. *Speer, J., in Macon Grocery Co. v. Atlantic Coast Line R. Co.*, (1908) 163 Fed. 738, reversed as above stated; and *Newman, J., in M. C. Kiser Co. v. Central of Georgia R. Co.*, 158 Fed. 198, wherein the court, referring to *Texas, etc., R. Co. v. Abilene Cotton Oil Co.*, 204 U. S. 426, 27 Sup. Ct. 350, 51 L. ed. 555, and *Southern R. Co. v. Tift*, 206 U. S. 428, 27 Sup. Ct. 709, 51 L. ed. 1124, said: "From what is said in both cases, the ruling would seem to be that general power over interstate rates to be charged by common carriers is given to the Interstate Commerce Commission, and that for the courts to undertake to determine what are reasonable or unreasonable rates would interfere and conflict with the exercise of this power by the commission, although instances might arise in which it would be proper for a court of equity to enjoin the enforcement of unreasonable rates or a change to unjust or unreasonable rates; but that this action of a court of equity will not interfere with the final exercise by the Interstate Commerce Commission of the full powers granted to it by the Act of Congress of 1887 to determine whether a given rate is an unjust and unreasonable rate, or under the Act of June, 1906, 'to determine and prescribe what will be a just and reasonable rate or rates, charge or charges, to be thereafter observed . . . as the maxim to be charged.' This seems to be the clear meaning of these decisions. It appears, therefore, that the court might properly enjoin carriers from establishing, or increasing to, an unreasonable rate, at the same time leaving the matter in such shape as that the Interstate Commerce Commission may ultimately determine whether the contemplated increase is just and reasonable."

Another consequence of the rule above stated is that in an action by a shipper based on the alleged unreasonableness of rates, the complaint must show that the rates charged and exacted have been declared excessive, unreasonable, or unjust by the Interstate Commerce Commission. A mere allegation that the rates are "excessive" and "unlawful" does not necessarily import such action by the commission, and is not sufficient. *Meeker v. Lehigh Valley R. Co.* (1908) 162 Fed. 354.

Rates subject to regulation.—Where a railroad published schedules of its rates for transportation of live stock from points without the state of Illinois to the terminus of its tracks in the city of Chicago, and, as required by the above provision, a separate schedule of charges for transportation from the terminus of its tracks to the union stockyards in the same city, and it appeared that the latter charges were in themselves reasonable, it was held that the Interstate Commerce Commission had no power to reduce the latter charges on the ground that, when added to the charges first mentioned, they made the through rate from the origin of shipment to the stockyards unreasonably high. *Stiekney v. Interstate Commerce Commission*, (1908) 164 Fed. 638.

Form of order of commission.—Where discriminatory rates are complained of, the order of the commission need not specify a maximum rate to be charged, but may require merely the removal of the discrimination. Nor in such case need the order prescribe the regulations and practices necessary to make it effective. And the order is not rendered invalid by being less comprehensive than it might have been. If it removes one discrimination it is not inoperative because it fails to remove others. *New York, etc., R. Co. v. Interstate Commerce Commission*, 168 Fed. 131.

A failure to specify the time during which an order of the Interstate Commerce Commission fixing a rate shall remain in force does not invalidate the order. And although not confined to the issues raised by the petition for relief from discriminatory rates, an order of the commission is valid. *New York Cent., etc., R. Co. v. Interstate Commerce Commission*, 168 Fed. 131, 138, wherein the court said: "If this order were a judgment of a court, we should without hesitation say that the facts alleged in the petition did not support it. The Interstate Commerce Commission is, however, an administrative tribunal dealing with practical problems. So long as parties affected by its orders appear and are fully heard, we think it would be most unfortunate to deny its power to grant such relief as the facts shown upon the investigation should call for, even though such facts might be presented by evidence technically outside the issues raised. Notwithstanding, therefore, that the commission has established rules of practice analogous to those in courts, notwithstanding that its rules even provide that hearings shall be had upon issue joined, we are of the opinion that the strict rules of pleading should not be held applicable to it. Before we declare an order of the commission invalid as being outside the issues, we think that we should be satisfied that it is outside the issues actually presented to the commis-

sion and upon which the parties were heard. We have, therefore, thought it our duty to examine the evidence and consider the claims of the parties made upon the hearing before the commission. Through such examination we find that the milling company and the carriers appeared before the commission, and that the various phases of the discriminations claimed to exist against the milling company were fully inquired into, including that claimed to exist in favor of interior millers enjoying the milling in transit privileges. As the hearing progressed, its scope apparently widened, and at its conclusion we are satisfied that the real question before the commission in the minds of all the parties was whether it was proper and practicable to afford relief like that granted by the order. Indeed, we have no doubt that should we declare this order invalid, and a new petition should be filed, the inquiry would be along the lines of the hearing already had, with presumably the same result. We conclude, therefore, that while the order may have been technically outside the issues raised by the pleadings, it was still germane to the subject-matter before the commission, and should not be declared invalid."

Suspension of order.—On an application for an injunction restraining the commission *pendente lite* from enforcing an order against discriminatory rates, it was contended that it was impossible for the carrier to comply with the order and that it should be set aside as unenforceable. The court said: "This objection is not strictly a legal one, but involves the reasonableness of the order. We shall not enter into a full examination of it upon this preliminary application. Indeed, the extent to which this court under the Hepburn amendment may inquire into the mere reasonableness of orders made by the commission is a most serious question. Section 15 provides that orders of the commission shall take effect and remain in force a prescribed time, unless 'suspended or set aside by a court of competent jurisdiction.' Under one possible construction of this provision, a court could only set aside an order when it infringed upon a constitutional right of the carrier, or failed to comply with the provisions of the statute. The objections to the validity of the present order which have already been examined illustrate these questions which the court undoubtedly has power to pass upon. On the other hand, under another possible construction of the provision, the court has power to pass upon the reasonableness of the orders of the commission upon their merits. We notice a trend in the decisions toward the latter construction, but we deem it inexpedient to express any opinion in the matter until after final hearing. For the present it is sufficient to say that, assuming that we have the broad power of revision, we are not now satisfied from an examination of the moving papers that the order is unreasonable and impracticable. Certainly we think that it is not so clearly impracticable that its enforcement should be suspended pending suit and without a trial of its working." *New York Cent., etc., R. Co. v. Interstate Commerce Commission*, 168 Fed. 131, 139, 140.

See also note to sec. 5, *infra*.

SEC. 5. [*Enforcement — orders for money damages — proceedings in circuit court if money be not paid — order of Commission prima facie evidence of facts — allowance to petitioner if successful — time of action — accrued claims — joining of parties — service of process — service of orders — suspension of orders — compliance with orders — penalty for failure — recovery of forfeiture — duties of district attorneys — costs, etc. — special counsel — enforcement of other orders — proceedings — issue of process to compel obedience — powers of court — appeals to Supreme Court — venue of suits against commission — by two or more carriers — expediting hearings — certificate of Attorney-General — priority on appeal — injunctions, etc., of orders of commission — time and precedence of appeals — schedules of rates, etc., to be kept as public records — receivable as evidence — effect of certified copies.*] That section sixteen of said Act, as amended March second, eighteen hundred and eighty-nine, be amended so as to read as follows:

"SEC. 16. That if, after hearing on a complaint made as provided in section thirteen of this Act, the Commission shall determine that any party complainant is entitled to an award of damages under the provisions of this Act for a violation thereof, the Commission shall make an order directing the carrier to pay to the complainant the sum to which he is entitled on or before a day named. If a carrier does not comply with an order for the payment of money within the time limit in such order, the complainant, or any person for whose benefit such order was made, may file in the circuit court of the United States for the district in which he resides or in which is located the principal operating office of the carrier, or through which the road of the carrier runs, a petition setting forth briefly the causes for which he claims damages, and the order of the Commission in the premises. Such suit shall proceed in all respects like other civil suits for damages, except that on the trial of such suit the findings and order of the Commission shall be prima facie evidence of the facts therein stated, and except that the petitioner shall not be liable for costs in the circuit court nor for costs at any subsequent stage of the proceedings unless they accrue upon his appeal. If the petitioner shall finally prevail he shall be allowed a reasonable attorney's fee, to be taxed and collected as a part of the costs of the suit. All complaints for the recovery of damages shall be filed with the Commission within two years from the time the cause of action accrues, and not after, and a petition for the enforcement of an order for the payment of money shall be filed in the circuit court within one year from the date of the order, and not after: *Provided*, That claims accrued prior to the passage of this Act may be presented within one year. In such suits all parties in whose favor the Commission may have made an award for damages by a single order may be joined as plaintiffs, and all of the carriers parties to such order awarding such damages may be joined as defendants, and such suit may be maintained by such joint plaintiffs and against such joint defendants in any district where any one of such joint plaintiffs could maintain such suit against any one of such joint defendants; and service of process against any one of such defendants as may not be found in the district where the suit is brought may be made in any district where such defendant carrier has its principal operating office. In case of such joint suit the recovery, if any, may be by judgment in favor of any one of such plaintiffs, against the defendant found to be liable to such plaintiff. Every order of the Commission shall be forthwith served by mailing to any one of the principal officers or agents of the carrier at his usual place of business a copy thereof; and the registry mail receipt shall be prima facie evidence of the receipt of such order by the carrier in due course of mail. The Commission shall be authorized to suspend or modify its orders upon such notice and in such

manner as it shall deem proper. It shall be the duty of every common carrier, its agents and employees, to observe and comply with such orders so long as the same shall remain in effect. Any carrier, any officer, representative, or agent of a carrier, or any receiver, trustee, lessee, or agent of either of them, who knowingly fails or neglects to obey any order made under the provisions of section fifteen of this Act, shall forfeit to the United States the sum of five thousand dollars for each offense. Every distinct violation shall be a separate offense, and in case of a continuing violation each day shall be deemed a separate offense. The forfeiture provided for in this Act shall be payable into the Treasury of the United States, and shall be recoverable in a civil suit in the name of the United States, brought in the district where the carrier has its principal operating office, or in any district through which the road of the carrier runs. It shall be the duty of the various district attorneys, under the direction of the Attorney-General of the United States, to prosecute for the recovery of forfeitures. The costs and expenses of such prosecution shall be paid out of the appropriation for the expenses of the courts of the United States. The Commission may, with the consent of the Attorney-General, employ special counsel in any proceeding under this Act, paying the expenses of such employment out of its own appropriation. If any carrier fails or neglects to obey any order of the Commission, other than for the payment of money, while the same is in effect, any party injured thereby, or the Commission in its own name, may apply to the circuit court in the district where such carrier has its principal operating office, or in which the violation or disobedience of such order shall happen, for an enforcement of such order. Such application shall be by petition, which shall state the substance of the order and the respect in which the carrier has failed of obedience, and shall be served upon the carrier in such manner as the court may direct, and the court shall prosecute such inquiries and make such investigations, through such means as it shall deem needful in the ascertainment of the facts at issue or which may arise upon the hearing of such petition. If, upon such hearing as the court may determine to be necessary, it appears that the order was regularly made and duly served, and that the carrier is in disobedience of the same, the court shall enforce obedience to such order by a writ of injunction, or other proper process, mandatory or otherwise, to restrain such carrier, its officers, agents, or representatives, from further disobedience of such order, or to enjoin upon it, or them, obedience to the same; and in the enforcement of such process the court shall have those powers ordinarily exercised by it in compelling obedience to its writs of injunction and mandamus. From any action upon such petition an appeal shall lie by either party to the Supreme Court of the United States, and in such court the case shall have priority in hearing and determination over all other causes except criminal causes, but such appeal shall not vacate or suspend the order appealed from. The venue of suits brought in any of the circuit courts of the United States against the Commission to enjoin, set aside, annul, or suspend any order or requirement of the Commission shall be in the district where the carrier against whom such order or requirement may have been made has its principal operating office, and may be brought at any time after such order is promulgated. And if the order or requirement has been made against two or more carriers then in the district where any one of said carriers has its principal operating office, and if the carrier has its principal operating office in the District of Columbia then the venue shall be in the district where said carrier has its principal office; and jurisdiction to hear and determine such suits is hereby vested in such courts. The provisions of 'An Act to expedite the hearing and determination of suits in equity, and so forth,' approved Feb-

ruary eleventh, nineteen hundred and three, shall be, and are hereby, made applicable to all such suits, including the hearing on an application for a preliminary injunction, and are also made applicable to any proceeding in equity to enforce any order or requirement of the Commission, or any of the provisions of the Act to regulate commerce approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof or supplemental thereto. It shall be the duty of the Attorney-General in every such case to file the certificate provided for in said expediting Act of February eleventh, nineteen hundred and three, as necessary to the application of the provisions thereof, and upon appeal as therein authorized to the Supreme Court of the United States, the case shall have in such court priority in hearing and determination over all other causes except criminal causes: *Provided*, That no injunction, interlocutory order or decree suspending or restraining the enforcement of an order of the Commission shall be granted except on hearing after not less than five days' notice to the Commission. An appeal may be taken from any interlocutory order or decree granting or continuing an injunction in any suit, but shall lie only to the Supreme Court of the United States: *Provided further*, That the appeal must be taken within thirty days from the entry of such order or decree and it shall take precedence in the appellate court over all other causes, except causes of like character and criminal causes. The copies of schedules and tariffs of rates, fares, and charges, and of all contracts, agreements, or arrangements between common carriers filed with the Commission as herein provided, and the statistics, tables, and figures contained in the annual reports of carriers made to the Commission, as required by the provisions of this Act, shall be preserved as public records in the custody of the secretary of the Commission, and shall be received as prima facie evidence of what they purport to be for the purpose of investigations by the Commission and in all judicial proceedings; and copies of or extracts from any of said schedules, tariffs, contracts, agreements, arrangements, or reports made public records as aforesaid, certified by the secretary under its seal, shall be received in evidence with like effect as the originals." [34 Stat. L. 590.]

Section 16 of the Interstate Commerce Act is given in 3 Fed. Stat. Annot. 844.

Redress for violations of Act. — Parties claiming to be aggrieved by violations of the Interstate Commerce Acts by common carriers must first make application to the commission for an award of damages against the offending carrier, and afterwards apply to the courts for the enforcement of the order of the commission. An action to recover alleged overcharges of freight cannot be maintained prior to an award of reparation by the commission. *Howard Supply Co. v. Chesapeake, etc., R. Co.*, 162 Fed. 188.

Judicial inquiry concerning rates fixed by commission. — In fixing rates the Interstate Commerce Commission acts only as a legislative or administrative board, and not judicially, and its determination or action cannot preclude judicial inquiry into the justice and reasonableness of its rates. This section and section 4, *supra*, unequivocally recognize and plainly declare that the Circuit Courts, sitting in equity, are vested with jurisdiction to entertain, hear, and determine suits to compel obedience to orders of the commission prescribing rates, and also suits to annul or enjoin the enforcement of such orders. The hearing in a suit of either kind is not neces-

sarily confined to an ascertainment of what was determined by the commission and to a consideration of the sufficiency of the facts as determined by it to sustain the order. On the contrary, the hearing may be *de novo*, and may include the taking and consideration of evidence other than that before the commission. *Missouri, etc., R. Co. v. Interstate Commerce Commission*, (1908) 164 Fed. 645.

Under these provisions the Circuit Court has ample jurisdiction to set aside or suspend any order of the Interstate Commerce Commission resulting from a misconception or misapplication of a law to conceded or undisputed facts. Hence, the court has jurisdiction to set aside an order of the commission which attempts to reduce a terminal charge below its just and reasonable value, where such charge is objected to merely because when added to other charges, separately scheduled and published as required by section 2, *supra*, the total charge for transportation from the origin of the shipment to its ultimate destination is, in the opinion of the commission, unreasonably high. *Stickney v. Interstate Commerce Commission*, (1908) 164 Fed. 638.

Expediting Act. — The effect of the provision in this section, that the "Expediting Act" of Feb. 11, 1903, shall be applicable to

the suits referred to, "including the hearing on an application for a preliminary injunction," is to make that Act, so far as the concurrence of three circuit judges is concerned, applicable to a hearing of preliminary injunctions as well as to the final hearing. But three judges are not required to sit in any other proceedings in the case. *Southern Pac. Term. Co. v. Interstate Commerce Commission*, 166 Fed. 134.

Where on a motion for a preliminary injunction the judges are divided in opinion, two being of the opinion that the motion should be overruled and the other taking a contrary view, the case will not be certified to the Supreme Court, on the ground that the

judges differed in opinion. *Southern Pac. Term. Co. v. Interstate Commerce Commission*, 166 Fed. 134.

Form of copy admissible.—It has been held that what a schedule filed with the Interstate Commerce Commission contains as to rates can be proved only by a copy thereof or of such portions as are pertinent, duly certified by the secretary of the commission, who is the lawful custodian of the document; that a certificate of the secretary to the effect that a certain schedule publishes a specified rate, states a conclusion merely on his part, which is incompetent. *Shelton v. St. Louis, etc., R. Co.*, (Mo.) 110 S. W. 627.

SEC. 6. [*Rehearings — applications to commission — not to suspend enforcement, etc. — proceedings — effect of decision.*] That a new section be added to said Act immediately after section sixteen, to be numbered as section sixteen a, as follows:

"SEC. 16a. That after a decision, order, or requirement has been made by the Commission in any proceeding any party thereto may at any time make application for rehearing of the same, or any matter determined therein, and it shall be lawful for the Commission in its discretion to grant such a rehearing if sufficient reason therefor be made to appear. Applications for rehearing shall be governed by such general rules as the Commission may establish. No such application shall excuse any carrier from complying with or obeying any decision, order, or requirement of the Commission, or operate in any manner to stay or postpone the enforcement thereof, without the special order of the Commission. In case a rehearing is granted the proceedings thereupon shall conform as nearly as may be to the proceedings in an original hearing, except as the Commission may otherwise direct; and if, in its judgment, after such rehearing and the consideration of all facts, including those arising since the former hearing, it shall appear that the original decision, order, or requirement is in any respect unjust or unwarranted, the Commission may reverse, change, or modify the same accordingly. Any decision, order, or requirement made after such rehearing, reversing, changing, or modifying the original determination shall be subject to the same provisions as an original order.["] [34 Stat. L. 592.]

SEC. 7. [*Annual reports — common carriers and owners of railroads to answer all questions of commission — details — information as to rates, contracts, etc. — uniform system of accounts — submission of reports under oath — penalty for noncompliance — monthly and special reports — recovery of penalty — administration of oath — forms of accounts, etc. — access to records — examinations — penalty for failing to keep accounts, etc. — punishment for false entries, etc. — punishment for divulging facts by examiner — jurisdiction to compel compliance with regulations — special agents — powers — bills of lading to be issued by receiving carrier — liability for loss — existing remedies — recovery by carrier from line where loss occurred.*] That section twenty of said Act be amended so as to read as follows:

"SEC. 20. That the Commission is hereby authorized to require annual reports from all common carriers subject to the provisions of this Act, and from the owners of all railroads engaged in interstate commerce as defined in this Act, to prescribe the manner in which such reports shall be made, and to require from such carriers specific answers to all questions upon which the Commission may need information. Such annual reports shall show in detail

the amount of capital stock issued, the amounts paid therefor, and the manner of payment for the same; the dividends paid, the surplus fund, if any, and the number of stockholders; the funded and floating debts and the interest paid thereon; the cost and value of the carrier's property, franchises, and equipments; the number of employees and the salaries paid each class; the accidents to passengers, employees, and other persons, and the causes thereof; the amounts expended for improvements each year, how expended, and the character of such improvements; the earnings and receipts from each branch of business and from all sources; the operating and other expenses; the balances of profit and loss; and a complete exhibit of the financial operations of the carrier each year, including an annual balance sheet. Such reports shall also contain such information in relation to rates or regulations concerning fares or freights, or agreements, arrangements, or contracts affecting the same as the Commission may require; and the Commission may, in its discretion, for the purpose of enabling it the better to carry out the purposes of this Act, prescribe a period of time within which all common carriers subject to the provisions of this Act shall have, as near as may be, a uniform system of accounts, and the manner in which such accounts shall be kept. Said detailed reports shall contain all the required statistics for the period of twelve months ending on the thirtieth day of June in each year, and shall be made out under oath and filed with the Commission, at its office in Washington, on or before the thirtieth day of September then next following, unless additional time be granted in any case by the Commission; and if any carrier, person, or corporation subject to the provisions of this Act shall fail to make and file said annual reports within the time above specified, or within the time extended by the Commission for making and filing the same, or shall fail to make specific answer to any question authorized by the provisions of this section within thirty days from the time it is lawfully required so to do, such parties shall forfeit to the United States the sum of one hundred dollars for each and every day it shall continue to be in default with respect thereto. The Commission shall also have authority to require said carriers to file monthly reports of earnings and expenses or special reports within a specified period, and if any such carrier shall fail to file such reports within the time fixed by the Commission it shall be subject to the forfeitures last above provided. Said forfeitures shall be recovered in the manner provided for the recovery of forfeitures under the provisions of this Act. The oath required by this section may be taken before any person authorized to administer an oath by the laws of the State in which the same is taken. The Commission may, in its discretion, prescribe the forms of any and all accounts, records, and memoranda to be kept by carriers subject to the provisions of this Act, including the accounts, records, and memoranda of the movement of traffic as well as the receipts and expenditures of moneys. The Commission shall at all times have access to all accounts, records, and memoranda kept by carriers subject to this Act, and it shall be unlawful for such carriers to keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, and it may employ special agents or examiners, who shall have authority under the order of the Commission to inspect and examine any and all accounts, records, and memoranda kept by such carriers. This provision shall apply to receivers of carriers and operating trustees. In case of failure or refusal on the part of any such carrier, receiver, or trustee to keep such accounts, records, and memoranda on the books and in the manner prescribed by the Commission, or to submit such accounts, records, and memoranda as are kept to the inspection of the Commission or any of its authorized agents or examiners, such carrier, receiver, or trustee shall forfeit to the United States the sum of five hundred

dollars for each such offense and for each and every day of the continuance of such offense, such forfeitures to be recoverable in the same manner as other forfeitures provided for in this Act. [34 Stat. L. 593.]

"PAR. 7. Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memoranda, of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the commission, shall be deemed guilty of a misdemeanor, and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than one thousand dollars nor more than five thousand dollars or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment: *Provided*, That the commission may in its discretion issue orders specifying such operating, accounting, or financial papers, records, books, blanks, tickets, stubs, or documents of carriers which may, after a reasonable time, be destroyed, and prescribing the length of time such books, papers, or documents shall be preserved. [35 Stat. L. 648.]

This paragraph was amended so as to read as above given by the Act of Feb. 25, 1909, ch. 193, 35 Stat. L. 648. Originally this paragraph was as follows:

"Any person who shall willfully make any false entry in the accounts of any book of accounts or in any record or memoranda kept by a carrier, or who shall willfully destroy, mutilate, alter, or by any other means or device falsify the record of any such account, record, or memoranda, or who shall willfully neglect or fail to make full, true, and correct entries in such accounts, records, or memo-

randas of all facts and transactions appertaining to the carrier's business, or shall keep any other accounts, records, or memoranda than those prescribed or approved by the Commission, shall be deemed guilty of a misdemeanor and shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not less than one thousand dollars nor more than five thousand dollars, or imprisonment for a term not less than one year nor more than three years, or both such fine and imprisonment." [34 Stat. L. 594.]

"Any examiner who divulges any fact or information which may come to to [sic] his knowledge during the course of such examination, except in so far as he may be directed by the Commission or by a court or judge thereof, shall be subject, upon conviction in any court of the United States of competent jurisdiction, to a fine of not more than five thousand dollars or imprisonment for a term not exceeding two years, or both. That the circuit and district courts of the United States shall have jurisdiction, upon the application of the Attorney-General of the United States at the request of the Commission, alleging a failure to comply with or a violation of any of the provisions of said Act to regulate commerce or of any Act supplementary thereto or amendatory thereof by any common carrier, to issue a writ or writs of mandamus commanding such common carrier to comply with the provisions of said Acts, or any of them. And to carry out and give effect to the provisions of said Acts, or any of them, the Commission is hereby authorized to employ special agents or examiners who shall have power to administer oaths, examine witnesses, and receive evidence.

"That any common carrier, railroad, or transportation company receiving property for transportation from a point in one State to a point in another State shall issue a receipt or bill of lading therefor and shall be liable to the lawful holder thereof for any loss, damage, or injury to such property caused by it or by any common carrier, railroad, or transportation company to which such property may be delivered or over whose line or lines such property may pass,

and no contract, receipt, rule, or regulation shall exempt such common carrier, railroad, or transportation company from the liability hereby imposed: *Provided*, That nothing in this section shall deprive any holder of such receipt or bill of lading of any remedy or right of action which he has under existing law.

"That the common carrier, railroad, or transportation company issuing such receipt or bill of lading shall be entitled to recover from the common carrier, railroad, or transportation company on whose line the loss, damage, or injury shall have been sustained the amount of such loss, damage, or injury as it may be required to pay to the owners of such property, as may be evidenced by any receipt, judgment, or transcript thereof." [34 Stat. L. 594.]

Section 20 of the Interstate Commerce Act is given in 3 Fed. Stat. Annot. 850.

Liability of carrier beyond its own line — Relation to common law. — So much of the provision of this amendment as makes the carrier receiving goods for transportation to a destination beyond its own terminus responsible for loss or damage occurring on any portion of the route is declaratory of the common law; but so far as it forbids and annuls contracts exempting the initial carrier from liability for loss and damage arising after the shipment has passed into the possession of the connecting carriers it is in derogation of the common law. *Southern Pac. Co. v. Crenshaw*, (Ga.) 63 S. E. 865.

Constitutionality. — Congress had power under the interstate commerce clause of the Constitution to enact the last two paragraphs of this section. *Smeltzer v. St. Louis, etc., R. Co.*, 158 Fed. 649; *Riverside Mills v. Atlantic Coast Line R. Co.*, 168 Fed. 987.

The provision against restriction of liability in this section does not in any manner deprive the common carriers of the country of "life, liberty, or property without due process of law." "They still have their day in court. The law merely places the shipper in a position where he may be able to recover for damage to or destruction of his property, and relieves him of the often impossible task of locating the active tortfeasor among a number of connecting carriers, and places that burden on those in a position of less difficulty in discovering the principal offender. They make their own rules, the property is handled by their own employees, and they of all others should know the condition of a shipment when delivered to connecting carriers, and on them is the burden of exposing the active wrongdoer. If it is constitutional to prevent the restriction of liability of a carrier within the borders of the state — and it is well settled that it is — no reason exists for not making the same restriction of liability unlawful in interstate shipments." *Galveston, etc., R. Co. v. F. A. Piper Co.*, (Tex. Civ. App.) 115 S. W. 107, 109, 110. Compare *Norfolk, etc., R. Co. v. Stuart's Draft Milling Co.*, (Va.) 63 S. E. 415, wherein it was said that there is much force in the contention that this amendment is in violation of the Fifth and Fourteenth Amendments of the Constitution of the United States, which forbid that either Congress or any of the states "shall deprive any person of life, liberty or property without due process of law, nor shall private property be taken for public use without just compensation." However, the court found it not necessary to con-

sider or decide the constitutionality of the amendment.

Effect. — By virtue of the provisions in the last paragraph of this section the initial carrier may be held liable for loss or injury sustained beyond the terminus of its line notwithstanding a provision in the bill of lading assuming to limit liability for losses so occurring. *Smeltzer v. St. Louis, etc., R. Co.*, 158 Fed. 649; *Riverside Mills v. Atlantic Coast Line R. Co.*, 168 Fed. 987; *St. Louis Southwestern R. Co. v. Grayson*, (Ark.) 115 S. W. 933; *Galveston, etc., R. Co. v. F. A. Piper & Co.*, (Tex. Civ. App.) 115 S. W. 107; *International, etc., R. Co. v. Wilbourne*, (Tex. Civ. App.) 115 S. W. 111; *Missouri, etc., R. Co. v. Carpenter*, (Tex. Civ. App.) 114 S. W. 900.

But where goods are promptly transported to their destination by the initial carrier and a connecting line without loss, injury, or damage, and are sold by the connecting carrier to satisfy its lien for charges because of the failure of the consignee to accept them, the case is not within the terms of this section, and the shipper, by virtue thereof, cannot hold the initial carrier liable. *Norfolk, etc., R. Co. v. Stuart's Draft Milling Co.*, (Va.) 63 S. E. 415; *Chicago, etc., R. Co. v. Clements*, (Tex. Civ. App.) 115 S. W. 664.

Jurisdiction of courts. — This amendment to the Interstate Commerce Act, like other enactments of Congress made pursuant to the Federal Constitution, is a law of general operation in the states, and as such is to be given effect to by their courts; and these courts have jurisdiction of suits brought against initial carriers by virtue of the provisions in the last paragraph of the above section. *Southern Pac. Co. v. Crenshaw*, (Ga. App.) 63 S. E. 865; *Galveston, etc., R. Co. v. F. A. Piper Co.* (Tex. Civ. App.) 115 S. W. 107.

The jurisdiction of suits brought under these provisions is concurrent in the Circuit Courts of the United States and the state courts where the amount in dispute exceeds the sum of two thousand dollars; if a smaller amount is involved the state courts only have jurisdiction. *Smeltzer v. St. Louis, etc., R. Co.*, 168 Fed. 420.

State laws. — While the above provision fixing the liability of the initial carrier expressly preserves in favor of the shipper all remedies and rights of action otherwise existing, yet, where the terms of the statute are directly applicable, they become the paramount law on the subject, and all state laws *pro tanto* are superseded. *Southern Pac. Co. v. Crenshaw*, (Ga.) 63 S. E. 865; *State v. Adams Express Co.*, (Ind.) 85 N. E. 337.

SEC. 8. [*Interstate Commerce Commission — membership and pay increased — appointment of new members — expiration of terms — successors to serve seven years.*] That a new section be added to said Act at the end thereof, to be numbered as section twenty-four, as follows:

"SEC. 24. That the Interstate Commerce Commission is hereby enlarged so as to consist of seven members with terms of seven years, and each shall receive ten thousand dollars compensation annually. The qualifications of the Commissioners and the manner of the payment of their salaries shall be as already provided by law. Such enlargement of the Commission shall be accomplished through appointment by the President, by and with the advice and consent of the Senate, of two additional Interstate Commerce Commissioners, one for a term expiring December thirty-first, nineteen hundred and eleven, one for a term expiring December thirty-first, nineteen hundred and twelve. The terms of the present Commissioners, or of any successor appointed to fill a vacancy caused by the death or resignation of any of the present Commissioners, shall expire as heretofore provided by law. Their successors and the successors of the additional Commissioners herein provided for shall be appointed for the full term of seven years, except that any person appointed to fill a vacancy shall be appointed only for the unexpired term of the Commissioner whom he shall succeed. Not more than four Commissioners shall be appointed from the same political party." [34 Stat. L. 595.]

Jurisdiction conferred. — The opinion has been expressed that sections 8 and 9 of this Act do not confer on the Interstate Commerce Commission or on the federal courts jurisdiction over an action by a shipper or the lawful holder of the bill of lading against the initial

carrier for loss or damage done to the property pending an interstate carriage of it. *Southern Pac. Co. v. Crenshaw*, (Ga.) 63 S. E. 865.

See *supra*, notes to sec. 7.

SEC. 9. [*Application of existing laws.*] That all existing laws relating to the attendance of witnesses and the production of evidence and the compelling of testimony under the Act to regulate commerce and all Acts amendatory thereof shall apply to any and all proceedings and hearings under this Act. [34 Stat. L. 595.]

SEC. 10. [*Laws in conflict repealed — prosecution of pending cases.*] That all laws and parts of laws in conflict with the provisions of this Act are hereby repealed, but the amendments herein provided for shall not affect causes now pending in courts of the United States, but such causes shall be prosecuted to a conclusion in the manner heretofore provided by law. [34 Stat. L. 595.]

See *U. S. v. Standard Oil Co.*, (1907) 148 Fed. 720; *U. S. v. Chicago, etc., R. Co.*, (1907) 151 Fed. 84.

This section does not conflict with R. S. sec. 13, which provides that "the repeal of any statute shall not have the effect to release or extinguish any penalty, forfeiture, or liability incurred under such statute unless the repealing Act shall so expressly provide," etc. "The provision commanding that the new remedies should not be applicable to causes then pending in the courts of the United States gives significance to the whole clause, and serves to make clear the fact that the legislative mind was concerned with the confusion and uncertainty which might be begotten from applying the new remedies to causes then pending in the courts, and demonstrates therefore that this subject, and this subject alone, was the matter with which the

provision in question was intended to deal." *Great Northern R. Co. v. U. S.*, (1908) 208 U. S. 452, *affirming* 155 Fed. 945, *sub nom.* *U. S. v. Chicago, etc., R. Co.*, 151 Fed. 84.

This provision does not release from liability to prosecution offenders against sec. 1 of the Act of Feb. 19, 1903, ch. 708, whose cases were not actually pending at the time of the enactment of the present statute. Read in connection with R. S. sec. 13, it saves all prosecutions of offenders against the prior law, although indictments had not been found at the date of the passage of the present Act, and affects merely the procedure in prosecutions which had not been actually begun. *U. S. v. Chicago, etc., R. Co.*, (1907) 151 Fed. 85, *affirmed sub nom.* *Great Northern R. Co. v. U. S.*, 155 Fed. 945, 208 U. S. 452; *U. S. v. Delaware, etc., R. Co.*, (1907) 152 Fed. 260; *U. S. v. Standard Oil Co.*, (1907) 148

Fed. 719; *U. S. v. New York Cent., etc., R. Co.*, (1907) 153 Fed. 630; *U. S. v. Great Northern R. Co.*, 157 Fed. 288.

The language in the above clause, "All laws and parts of laws in conflict with the provisions of this Act are hereby repealed," expresses the extent to which it was intended to

repeal prior laws, and excludes the implication that sec. 2 of the Act was intended as an unqualified repeal of the whole of sec. 1 of the prior Act of Feb. 19, 1903. *Great Northern R. Co. v. U. S.*, (1907) 155 Fed. 945, *affirmed* 208 U. S. 452.

SEC. 11. [*Effect.*] That this Act shall take effect and be in force from and after its passage. [*34 Stat. L. 595.*]

By Joint Resolution, No. 47, of June 30, 1906, it was provided:

That the Act entitled "An Act to amend an Act entitled 'An Act to regulate commerce,' approved February fourth, eighteen hundred and eighty-seven, and all Acts amendatory thereof, and to enlarge the powers of the Interstate Commerce Commission," shall take effect and be in force sixty days after its approval by the President of the United States. [*34 Stat. L. 838.*]

Time of taking effect.—The joint resolution of Congress of June 30, 1906, No. 47, 34 Stat. L. 838, providing that the above Act should "take effect and be in force sixty days after its approval by the President of the United States," was powerless to postpone the operation of the Act, which, by its own terms, became effective on its approval by the President one day before his approval of

the joint resolution. *U. S. v. Standard Oil Co.*, (1907) 148 Fed. 720.

Construction of Act.—The amendatory sections of this Act are to be treated, as to matters occurring after its enactment, as if such sections had been in the original Act (Act of Feb. 4, 1887, ch. 104, 3 Fed. Stat. Annot. 809). *State v. Adams Express Co., (Ind.)* 85 N. E. 338.

[SEC. 1.] [*Investigation of safety appliances, etc., by Commission.*] * * * Hereafter the Interstate Commerce Commission shall be, and is, hereby authorized, at its discretion, to investigate, test experimentally, and report on the use and need of any appliances or systems intended to promote the safety of railway operation which may be furnished in completed shape to such Commission for such investigation and test entirely free of cost to the Government. For this purpose the Commission is authorized to employ persons familiar with the subject to be investigated and tested, and may also make use of its regular employees for such purposes. [*35 Stat. L. 325.*]

This is from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

[SEC. 1.] [*Railway safety appliances—inspection—reports on mail cars.*] * * * To enable the Interstate Commerce Commission to keep informed regarding compliance with the "Act to promote the safety of employees and travelers upon railroads," approved March second, eighteen hundred and ninety-three, and to execute and enforce the requirements of the said Act, including the employment of inspectors, one hundred and ten thousand dollars. Hereafter all inspectors employed for the enforcement of said Act shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General. [*35 Stat. L. 965.*]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

INTIMIDATION.

See *PENAL LAWS*.

IRRIGATION.

See *WATERS (INCLUDING IRRIGATION)*.

ISTHMIAN CANAL.

See *RIVERS, HARBORS, AND CANALS*.

JEWELERS' LIABILITY ACT.

See *FALSE STAMPING*.

JUDGE-ADVOCATE-GENERAL.

See *NAVY*.

JUDICIAL CIRCUITS AND DISTRICTS.

For Acts relative to Districts, Divisions, Terms, and Sessions of Courts in Alabama, Arkansas, California, Florida, Georgia, Illinois, Iowa, Kentucky, Massachusetts, Missouri, Nebraska, New York, North Carolina, North Dakota, Ohio, Oregon, Pennsylvania, South Carolina, Tennessee, Texas, Virginia, Washington, West Virginia, Wisconsin, and Wyoming, see JUDICIARY.

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JUDICIAL OFFICERS.

Act of April 20, 1904, Ch. 1400, 279.

Sec. 1. Hot Springs Mountain Reservation, Ark. — Cession of Jurisdiction by Arkansas in, Accepted — Jurisdiction of Arkansas Courts — Taxation,
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3. *Protection to Property, etc. — Penalty, 280.*

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2. *"Any of Said Commissioners" Substituted for Words "Commissioner" etc., 282.*

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Sec. 1. Idaho and California — Salaries of District Attorneys, 282.

New York, Southern District — Payment to Clerks, etc. — Office Expenses, 282.

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United States Courts — Attorney-General, Special Counsel, etc., May Conduct Proceedings in Any District, 283.

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284.

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Sec. 1. Pennsylvania, Eastern District — Salary of District Attorney and Assistants, 284.

United States District Attorneys — Allowance for Expenses When Absent from Official Residence — Accounts, 284.

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U. S. Marshals — Office Deputies, etc., Allowed — Expenses, Serving Writs, etc. — Per Diem Increased, 285.

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Sec. 21. Oklahoma — Salaries of U. S. District Attorneys and Marshals, 285.

CROSS-REFERENCES.

In Alaska, see ALASKA.

Judges in Particular Circuits and Districts, see JUDICIARY.

Seal for United States Commissioners, see SEALS.

Clerks and Marshals in Particular Districts, see JUDICIARY.

An Act Conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Arkansas.

[Act of April 20, 1904, ch. 1400, 33 Stat. L. 187.]

[SEC. 1.] [*Hot Springs Mountain Reservation, Ark. — cession of jurisdiction by Arkansas in, accepted — jurisdiction of Arkansas courts — taxation.*] That the portion of the Hot Springs Mountain Reservation in the State of Arkansas situated and lying within boundaries defined as follows, "commencing at stone monument numbered seven, set upon the west line of Reserve avenue and marking the boundary line of Hot Springs Mountain, and running thence in a northwesterly direction to a point upon the south line of Fountain street to a stone monument numbered forty-two and marking the boundary line of Hot Springs Mountain; thence along the south line of Fountain street to its intersection with Central avenue or to stone monument numbered thirty-three; thence south along the east line of Central avenue to where the same is intersected by Reserve avenue at stone monument numbered thirty; thence along the north boundary line of Reserve avenue to stone monument numbered seven, the point of commencement; all in township two south, range nineteen west, in the county of Garland and State of Arkansas, being a part of the permanent United States Hot Springs Reservation," sole and exclusive jurisdiction over which was ceded to the United States by an act of the general assembly of the State of Arkansas, entitled "An act ceding jurisdiction to the United States over a part of the Hot Springs Mountain Reservation," approved February twenty-first, nineteen hundred and three, which cession is hereby accepted, or within such boundaries as may be defined hereafter, shall be under the sole and exclusive jurisdiction of the United States, and all laws applicable to places under such sole and exclusive jurisdiction shall have full force and effect therein: *Provided*, That nothing in this Act shall be so construed as to forbid the service within said boundaries of any civil or criminal process of any court having jurisdiction in the State of Arkansas; that all fugitives from justice taking refuge within said boundaries shall, on due application to the executive of said State, whose warrant may lawfully run within said territory for said purpose, be subject to the laws which apply to fugitives from justice found in the State of Arkansas: *And provided further*, That this Act shall not be so construed as to interfere with the right to tax all structures and other property in private ownership within the boundaries above described, accorded to the State of Arkansas by section five of the Act of Congress approved March third, eighteen hundred and ninety-one, entitled "An Act to regulate the granting of leases at Hot Springs, Arkansas, and for other purposes." [33 Stat. L. 187.]

This Act is amended by the Act of March 2, 1907, ch. 2516, given *infra*, p. 282.

SEC. 2. [*To be part of Arkansas eastern judicial district.*] That said above-described portion of said reservation shall constitute a part of the eastern United States judicial district of Arkansas, and the district and circuit courts of the United States in and for said district shall have jurisdiction of all offenses committed within said boundaries. [33 Stat. L. 187.]

SEC. 3. [*Protection to property, etc. — penalty.*] That any person who shall, within the said above-mentioned tract, commit any damage, injury, or spoliation to or upon any building fence, hedge, gate, guidepost, tree, wood, underwood, timber, garden, crops, vegetables, plants, land, springs, mineral deposits, natural curiosities, or other matter or thing growing or being thereon, or situated therein, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars and be adjudged to pay all costs of the proceedings. [33 Stat. L. 187.]

SEC. 4. [*Bathing, etc., restrictions — penalty — soliciting patronage by registered physicians forbidden — only permits by registered physician valid.*] That any person who shall, except in compliance with such rules and regulations as the Secretary of the Interior may deem necessary, and which he is hereby authorized and directed to make, enter or attempt to enter upon said described tract, take, or attempt to take, use, or attempt to use, bathe in, or attempt to bathe in water of any spring located thereon, or without presenting satisfactory evidence that he or she (provided he or she is under medical treatment) is the patient of a physician duly registered at the office of the superintendent of the Hot Springs Reservation as one qualified, under such rules which the Secretary of the Interior may have made or shall make, to prescribe the waters of the Hot Springs, shall be deemed guilty of a misdemeanor, and, upon conviction thereof, shall be subject to a fine of not more than one hundred dollars, and be adjudged to pay all costs of the proceedings: *Provided*, That no physician who shall engage in the solicitation of patronage through the medium of drummers, or otherwise, shall be or remain thus registered: *And provided further*, That if any person so bathing, or attempting to bathe, or so entering, or attempting to enter upon the described tract, shall have the permit of a physician, such physician shall be liable to the penalties of this section, unless he be regularly registered; and such person shall not be liable to the penalties of this section, unless it shall be made to appear that he knew, or had reason to believe, that the physician giving him such permit was not regularly registered. [33 Stat. L. 188.]

SEC. 5. [*Punishment of offenses.*] That if any act shall be committed within said boundaries which would constitute an offense under the municipal ordinances of the city of Hot Springs or the laws of the State of Arkansas, but which is not prohibited or the punishment of which is not specially provided for by any law of the United States, regulation of the Secretary of the Interior, or by this Act, the offender shall be subject to the same punishment as the said municipal ordinances of the city of Hot Springs, or the laws of the State of Arkansas in force at the time of the commission of the offense, may provide for a like offense in the said State, and no subsequent repeal of any such law or ordinance shall affect any pending prosecution for an offense committed within said boundaries. [33 Stat. L. 188.]

SEC. 6. [*Arrests — appeal — rules of procedure.*] That such commissioner shall have power, upon sworn complaint, to issue process in the name of the United States for the arrest of any person charged with the doing, otherwise than in compliance with the rules and regulations of the Secretary of the Interior, of any act with reference to the matters which the Secretary of the Interior in section four of this Act is authorized to regulate, or in violation of such rules and regulations, or in violation of any provision of this Act, or with any misdemeanor or other like offense the punishment provided for which does not exceed a fine of one hundred dollars to try the person thus charged,

and if found guilty, to impose the penalty prescribed. In all cases of conviction an appeal shall lie from the judgment of said commissioner to the United States district court for the eastern district of Arkansas. The said United States district court shall prescribe rules of procedure and practice for said commissioner in the trial of cases and with reference to said appeals. [33 Stat. L. 188.]

See amendment to this section contained in the Act of March 2, 1907, ch. 2516, set forth *infra*, p. 282.

SEC. 7. [*Process in other criminal offenses — bail.*] That said commissioner shall also have power to issue process as hereinbefore provided for the arrest of any person charged with the commission, within said boundaries, of any criminal offense not covered by the provisions of section six of this Act, to hear the evidence introduced, and if he is of opinion that probable cause is shown for holding the person so charged for trial, shall cause such person to be safely conveyed to a secure place for confinement, within the jurisdiction of the United States district court for the eastern district of Arkansas, and certify a transcript of the record of his proceedings and the testimony in the case to said court, which court shall have jurisdiction of the case: *Provided*, That the said commissioner shall grant bail in all cases bailable under the laws of the United States or of the State of Arkansas or the ordinances of the city of Hot Springs. [33 Stat. L. 188.]

SEC. 8. [*Arrests may be made by police, etc.*] That all process issued by the commissioner shall be directed to the marshal of the United States for the eastern district of Arkansas, but nothing herein contained shall be so construed as to prevent the arrest by any officer of the Government, police of said reservation, police officer of the city of Hot Springs, or employee of the United States within said boundaries, without process, of any person taken in the act of violating the law or this Act, or doing anything with reference to the matters which in section four of this Act the Secretary of the Interior is authorized to regulate, except in compliance with such rules and regulations, or committing any act in violation of such regulations. [33 Stat. L. 189.]

SEC. 9. [*Fees, etc.*] That the commissioner referred to in this Act and the marshal of the United States and his deputies in the eastern district of Arkansas shall be paid the same fees and compensation as are now provided by law for like services in said district. [33 Stat. L. 189.]

SEC. 10. [*Payment of fees, etc.*] That all fees, costs, and expenses arising in cases under this Act and properly chargeable to the United States shall be certified, approved, and paid as are like fees, costs, and expenses in the courts of the United States. [33 Stat. L. 189.]

SEC. 11. [*Fines, etc.*] That all fines and costs imposed and collected shall be deposited by said commissioner of the United States or the marshal of the United States collecting the same with the clerk of the United States district court for the judicial district in which said reservation may be situated. [33 Stat. L. 189.]

SEC. 12. [*Imprisonment for nonpayment.*] That all persons who may be imprisoned for nonpayment of any fine, or costs, provided for by this Act, or awaiting trial without bail, shall be confined in the jail of Pulaski County, at Little Rock, Arkansas, or at such place as may be otherwise designated. [33 Stat. L. 189.]

SEC. 13. [*Execution of sentence.*] That upon the conviction of a party upon trial by said commissioner, or by said district court, execution of sentence shall be in conformity with the laws of the United States, anything in the statutes of the State of Arkansas to the contrary notwithstanding. [33 Stat. L. 189.]

An Act To amend an Act entitled "An Act conferring jurisdiction upon United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Arkansas," approved April twentieth, nineteen hundred and four.

[Act of March 2, 1907, ch. 2516, 34 Stat. L. 1218.]

[SEC. 1.] [*Hot Springs Mountain Reservation — hearings before any United States commissioner.*] That Public Act Numbered One hundred and twenty-four, an Act conferring jurisdiction upon the United States commissioners over offenses committed in a portion of the permanent Hot Springs Mountain Reservation, Arkansas, be amended as follows: That section six be amended by prefixing the following: "That any United States commissioner, duly appointed by the United States circuit court for the eastern district of Arkansas, and residing in said district, shall have power and jurisdiction to hear and act upon all complaints made of any and all violations of this Act." [34 Stat. L. 1218.]

SEC. 2. [*"Any of said commissioners" substituted for words "commissioner," etc.*] That the words "commissioner," "such commissioner," "said commissioner," or "the commissioner," whenever they occur in said Act be stricken out and the words "any of said commissioners" be inserted in lieu thereof. [34 Stat. L. 1218.]

The Act of April 20, 1904, of which this Act is amendatory, is set forth *supra*, p. 272.

[SEC. 1.] [*Idaho and California — salaries of district attorneys.*] * * * and the annual salaries of the United States district attorneys for the district of Idaho and the southern district of California are hereby fixed at four thousand dollars, respectively: [34 Stat. L. 753.]

This is from Sundry Civil Expenses Appropriation Act of June 30, 1906, ch. 3914.

[*New York, southern district — payment to clerks, etc. — office expenses.*] * * * That clerks and messengers in the office of the United States district attorney for the southern district of New York shall hereafter be paid from this appropriation and subsequent appropriations for salaries and expenses of district attorneys, by the disbursing clerk of the Department of Justice, in such number and at such salaries as may be fixed by the Attorney-General, and that such office expenses of said district attorney as may be approved by the Attorney-General shall also be paid in the same manner and from the same appropriations as similar expenses in other judicial districts, notwithstanding the provisions of section eight hundred and thirty-six, Revised Statutes. [34 Stat. L. 754.]

This is from Sundry Civil Expenses Appropriation Act of June 30, 1906, ch. 3914. R. S. sec. 836 is given in 4 Fed. Stat. Annot. 122.

[*Clerks of courts to report and account — docket books.*] * * * That the Attorney-General shall hereafter, under rules and regulations prescribed

by him, require the clerks of the United States circuit and district courts, clerks of the Territorial courts, clerks of the United States courts for the Indian Territory, and the clerks of the United States courts in Alaska to report and account for all moneys received by them on account of or as security for fees and costs, and to report and account for all amounts collected or received by them on behalf of the United States on account of judgments, fines, forfeitures, penalties, and costs. The Attorney-General shall also hereafter require such clerks to report and account for any other moneys received by them in their official capacity, whether on behalf of the United States or otherwise, and the Attorney-General shall hereafter prescribe such docket or dockets or other books as he may deem proper to be kept and used by such clerks in recording, reporting, and accounting for moneys mentioned above in this paragraph, and in recording all fees and emoluments earned by them, which dockets or other books shall be kept and used by said clerks in accordance with rules and regulations prescribed by the Attorney-General. [34 Stat. L. 754.]

This is from Sundry Civil Expenses Appropriation Act of June 30, 1906, ch. 3914.

An Act To authorize the commencement and conduct of legal proceedings under the direction of the Attorney-General.

[Act of June 30, 1906, ch. 3935, 34 Stat. L. 816.]

[*United States courts — Attorney-General, special counsel, etc., may conduct proceedings in any district.*] That the Attorney-General or any officer of the Department of Justice, or any attorney or counselor specially appointed by the Attorney-General under any provision of law, may, when thereunto specifically directed by the Attorney-General, conduct any kind of legal proceeding, civil or criminal, including grand jury proceedings and proceedings before committing magistrates, which district attorneys now are or hereafter may be by law authorized to conduct, whether or not he or they be residents of the district in which such proceeding is brought. [34 Stat. L. 816.]

Grand jury proceedings may be conducted by two special assistant district attorneys, appointed by the attorney-general; and in such case they may make such a division of the labor incident to the conduct of the proceedings as to them may seem best. The fact that

one conducted the examination of the witnesses and the other stenographically reported the testimony does not infringe any rights of defendants against whom indictments are found. *U. S. v. Haskell*, 169 Fed. 452.

[Sec. 1.] [*China — United States court for — expenses during sessions away from Shanghai.*] * * * The judge of the said court and the district attorney shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their actual expenses during such sessions, not to exceed ten dollars per day for the judge and five dollars per day for the district attorney, and so much as may be necessary during the fiscal year ending June thirtieth, nineteen hundred and eight, is hereby appropriated. [34 Stat. L. 922.]

This is from Diplomatic and Consular Appropriation Act of Feb. 22, 1907, ch. 1184. The provision is repeated in the Acts of May

21, 1908, ch. 183, 35 Stat. L. 178, and March 2, 1909, ch. 235, 35 Stat. L. 679.

For the Act creating this court, see title JUDICIARY, *post*, p. 294.

[SEC. 1.] [*New York, southern district — traveling expenses, etc., of district attorney.*] * * * The necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day, and actual necessary traveling expenses of the district attorney for the southern district of New York and his assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business, shall be allowed and paid in the same manner and from the same appropriation as similar expenses in other judicial districts. [*34 Stat. L. 1360.*]

This is from Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

[*Illinois, northern district — salary of district attorney and assistants.*] * * * All laws fixing the annual salaries of the United States attorney for the southern district of New York, and of assistants in his office, shall hereafter apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the northern district of Illinois, and of assistants in his office. [*34 Stat. L. 1360.*]

This is from Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

[SEC. 1.] [*Pennsylvania, eastern district — salary of district attorney and assistants.*] EXPENSES OF THE UNITED STATES COURTS: * * * The annual salary of the United States attorney for the eastern district of Pennsylvania shall be, after the beginning of the fiscal year nineteen hundred and nine, six thousand dollars; and the annual salary of his first assistant shall be, after the beginning of the fiscal year nineteen hundred and nine, such sum as the Attorney General shall from time to time fix and determine, not to exceed four thousand dollars. [*35 Stat. L. 375.*]

This and the paragraph following are from the Sundry Civil Appropriation Act of May 27, 1906, ch. 200.

[*United States district attorneys — allowance for expenses when absent from official residence — accounts.*] The necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day and actual and necessary traveling expenses of the United States district attorneys and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the following manner: That the accounts of the United States attorneys and assistant United States attorneys for expenses herein provided for shall be made out monthly in accordance with rules and regulations prescribed by the Attorney-General. And when said expense accounts are made out, as hereinbefore provided, and verified on oath before an officer authorized by law to administer oaths, they shall be submitted to and examined by one of the judges of the circuit court or district court of the district for which said United States attorney or assistant United States attorney was appointed, and when approved by said judge, may be allowed and paid by the United States marshal for said district, and the amount of such payments shall be included in said marshal's accounts with the United States, and audited and allowed as now provided by law. [*35 Stat. L. 375.*]

An Act To amend section ten of chapter two hundred and fifty-two, volume twenty-nine, of Public Statutes at Large.

[Act of Feb. 19, 1909, ch. 161, 35 Stat. L. 640.]

[*U. S. marshals — office deputies, etc., allowed — expenses, serving writs, etc. — per diem increased.*] That section ten of chapter two hundred and fifty-two, volume twenty-nine, Public Statutes at Large, is hereby amended by striking out in the twelfth line of said section the word "two" and inserting in place thereof the word "three," so that said section as amended shall read as follows:

"SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed three dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided." [35 Stat. L. 640.]

Section 10 of the Act of May 28, 1896, ch. 252, 29 Stat. L. 182, hereby amended, is set forth in 4 Fed. Stat. Annot. 144.

SEC. 21. [*Oklahoma — salaries of U. S. district attorneys and marshals.*] That the United States district attorney for the eastern district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States district attorney for the western district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States marshal for the eastern district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States marshal for the western district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments. [35 Stat. L. 843.]

This is from the Act of March 3, 1909, ch. 269, entitled "An Act to amend section eighty-six of an Act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes." Sec-

tion 23 of the Act, given *post*, under the title STATES, provides that the Act shall take effect July 1, 1909, and repeals conflicting provisions.

[SEC. 1.] [*New York, southern district — traveling expenses, etc., of district attorney.*] * * * The necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day, and actual necessary traveling expenses of the district attorney for the southern district of New York and his assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business, shall be allowed and paid in the same manner and from the same appropriation as similar expenses in other judicial districts. [34 Stat. L. 1360.]

This is from Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

[*Illinois, northern district — salary of district attorney and assistants.*] * * * All laws fixing the annual salaries of the United States attorney for the southern district of New York, and of assistants in his office, shall hereafter apply in all respects to and be construed as fixing the annual salaries of the United States attorney for the northern district of Illinois, and of assistants in his office. [34 Stat. L. 1360.]

This is from Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

[SEC. 1.] [*Pennsylvania, eastern district — salary of district attorney and assistants.*] EXPENSES OF THE UNITED STATES COURTS: * * * The annual salary of the United States attorney for the eastern district of Pennsylvania shall be, after the beginning of the fiscal year nineteen hundred and nine, six thousand dollars; and the annual salary of his first assistant shall be, after the beginning of the fiscal year nineteen hundred and nine, such sum as the Attorney General shall from time to time fix and determine, not to exceed four thousand dollars. [35 Stat. L. 375.]

This and the paragraph following are from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

[*United States district attorneys — allowance for expenses when absent from official residence — accounts.*] The necessary expenses for lodging and subsistence actually paid, not exceeding four dollars per day and actual and necessary traveling expenses of the United States district attorneys and their assistants, while absent from their respective official residences and necessarily employed in going to, returning from, and attending before any United States court, commissioner, or other committing magistrate, and while otherwise necessarily absent from their respective official residences on official business shall be allowed and paid in the following manner: That the accounts of the United States attorneys and assistant United States attorneys for expenses herein provided for shall be made out monthly in accordance with rules and regulations prescribed by the Attorney-General. And when said expense accounts are made out, as hereinbefore provided, and verified on oath before an officer authorized by law to administer oaths, they shall be submitted to and examined by one of the judges of the circuit court or district court of the district for which said United States attorney or assistant United States attorney was appointed, and when approved by said judge, may be allowed and paid by the United States marshal for said district, and the amount of such payments shall be included in said marshal's accounts with the United States, and audited and allowed as now provided by law. [35 Stat. L. 375.]

An Act To amend section ten of chapter two hundred and fifty-two, volume twenty-nine, of Public Statutes at Large.

[Act of Feb. 19, 1909, ch. 161, 35 Stat. L. 640.]

[*U. S. marshals — office deputies, etc., allowed — expenses, serving writs, etc. — per diem increased.*] That section ten of chapter two hundred and fifty-two, volume twenty-nine, Public Statutes at Large, is hereby amended by striking out in the twelfth line of said section the word “two” and inserting in place thereof the word “three,” so that said section as amended shall read as follows:

“SEC. 10. That when in the opinion of the Attorney-General the public interest requires it, he may, on the recommendation of the marshal, which recommendation shall state the facts as distinguished from conclusions, showing necessity for the same, allow the marshals to employ necessary office deputies and clerical assistance, upon salaries to be fixed by the Attorney-General, from time to time, and paid as hereinafter provided. When any of such office deputies is engaged in the service of any writ, process, subpoena, or other order of the court, or when necessarily absent from the place of his regular employment, on official business, he shall be allowed his actual traveling expenses only, and his necessary and actual expenses for lodging and subsistence, not to exceed three dollars per day, and the necessary actual expenses in transporting prisoners, including necessary guard hire; and he shall make and render accounts thereof as hereinafter provided.” [35 Stat. L. 640.]

Section 10 of the Act of May 28, 1896, ch. 252, 29 Stat. L. 182, hereby amended, is set forth in 4 Fed. Stat. Annot. 144.

SEC. 21. [*Oklahoma — salaries of U. S. district attorneys and marshals.*] That the United States district attorney for the eastern district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States district attorney for the western district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States marshal for the eastern district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments.

The United States marshal for the western district of Oklahoma shall receive a salary of four thousand dollars per annum, payable monthly, in twelve equal installments. [35 Stat. L. 843.]

This is from the Act of March 3, 1909, ch. 269, entitled “An Act to amend section eighty-six of an Act to provide a government for the Territory of Hawaii, to provide for additional judges, and for other judicial purposes.” Sec-

tion 23 of the Act, given *post*, under the title STATES, provides that the Act shall take effect July 1, 1909, and repeals conflicting provisions.

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CROSS-REFERENCES.

In Alaska, see ALASKA.

In Hawaii, see HAWAIIAN ISLANDS.

Judicial Officers, see JUDICIAL OFFICERS.

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Territorial Courts, see TERRITORIAL COURTS.

Competency of Witnesses, see WITNESSES.

[I. APPEALS TO CIRCUIT COURT OF APPEALS.]

An Act To amend the seventh section of the Act entitled "An Act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one, and the several Acts amendatory thereto.

[Act of April 14, 1906, ch. 1627, 34 Stat. L. 116.]

[*Appeal in equity to circuit courts of appeal — appeals allowed in all interlocutory orders — stay of proceedings, etc. — additional bond.*] That the seventh section of the Act of Congress entitled "An Act to establish circuit courts of appeals and to define and regulate in certain cases the jurisdiction of the courts of the United States, and for other purposes," approved March third, eighteen hundred and ninety-one, as amended by Act approved June sixth, nineteen hundred, be, and it is hereby, amended to read as follows:

"SEC. 7. That where, upon a hearing in equity in a district or in a circuit court, or by a judge thereof in vacation, an injunction shall be granted or continued, or a receiver appointed by an interlocutory order or decree, in any cause an appeal may be taken from such interlocutory order or decree granting or continuing such injunction, or appointing such receiver, to the circuit court of appeals: *Provided*, That the appeal must be taken within thirty days from entry of such order or decree, and it shall take precedence in the appellate court; and the proceedings in other respects in the court below shall not be stayed unless otherwise ordered by that court, or by the appellate court, or a judge thereof, during the pendency of such appeal: *Provided further*, That the court below may, in its discretion, require as a condition of the appeal an additional bond." [34 Stat. L. 116.]

Section 7 of the Circuit Court of Appeals Act, above amended, is given in 4 Fed. Stat. Annot. 422.

Nature and purpose of Act. — "This section, in the interest of a more liberal right of appeal, is a distinct departure from the policy of appeals under the older chancery rules; but it is intended to be safeguarded against abuse by the provisions looking to promptitude of action — a provision that is intended to be strictly enforced." *Root v. Mills*, (C. C. A.) 168 Fed. 688, 689.

Effect upon previous practice. — By this Act appellate jurisdiction is given to the Circuit Court of Appeals from an interlocutory order or decree granting or continuing an injunction or appointing a receiver "in any cause," whereas heretofore the law permitted such an appeal only in "a cause in which an appeal from a final decree may be taken under the provisions of said Act to the Circuit Court of Appeals." The present enactment enlarges the right of appeal from such interlocutory orders and extends it to "any cause," causes in which the jurisdiction of the court is the sole question involved, as well as other causes. *Grainger v. Douglas Park Jockey Club*, 148 Fed. 513, 78 C. C. A. 199, 8 Ann. Cas. 997; *Northern Pac. R. Co. v. Pacific Coast Lumber Manufacturers Assoc.*, (C. C. A.) 165 Fed. 1, 4.

Orders embraced. — Only appeals from interlocutory orders or decrees granting or continuing an injunction or appointing a receiver are provided for; the Act does not provide for an appeal from an interlocutory order or de-

creed refusing an injunction. *Southern R. Co. v. Carolina Coal, etc., Co.*, (1907) 151 Fed. 477.

When, upon a hearing in equity in the Circuit Court, in a suit the parties to which include all the parties to an action at law pending in that court, an interlocutory order is granted "staying" further proceedings in the law action, on the theory that the two cases embrace a controversy which should be litigated to a final and complete determination in the suit in equity, to the exclusion of any proceedings at law, the order, although not using the technical words "restrain and enjoin," and not in terms directed against the plaintiffs in the action at law, is in purpose and effect an order granting an injunction, within the meaning of the seventh section of the Act creating the Circuit Court of Appeals (Act March 3, 1891, ch. 517, 26 Stat. L. 828, 4 Fed. Stat. Annot. 422), as amended by this Act, and an appeal from such order lies to that court. *Griesa v. Mutual L. Ins. Co.*, (C. C. A.) 165 Fed. 48.

The "hearing in equity," referred to in this section, is the hearing of the motion, the introduction of evidence thereon by affidavit or otherwise, the argument of counsel, and the order of the chancellor. Nothing short of this constitutes such a hearing, and nothing beyond was contemplated by this section. *Root v. Mills*, (C. C. A.) 168 Fed. 688.

Where, in response to an order to show cause why an injunction should not issue, the defendants present admissible opposing affidavits and letters, but the court refuses to

read or hear them, and orders an injunction until the further order of the court, there is a hearing in equity, it has been held, within the meaning of the Act, and the order is appealable. *Shubert v. Woodward*, (C. C. A.) 167 Fed. 47. And it has been held that "a hearing in equity" such as this statute contemplates is shown where the injunction order recites as follows: That the cause came on to be heard, pursuant to rule to show cause; that the complainants appeared by their counsel; that the defendants appeared by counsel to move for the dismissal of the bill on the

ground that they were corporations foreign to the state, and were entitled to be sued only in the Circuit Court of the United States for the district of which they were respectively inhabitants, and that they also appeared specially to file pleas to the same effect; and further that the court heard arguments upon the complainant's application for an injunction, and arguments of the counsel for the defendants as *amici curiæ*. *Northern Pac. R. Co. v. Pacific Coast Lumber Manufacturers Assoc.*, (C. C. A.) 165 Fed. 1, 5.

[II. WRITS OF ERROR IN CRIMINAL CASES.]

An Act Providing for writs of error in certain instances in criminal cases.

[Act of March 3, 1907, ch. 2564, 34 Stat. L. 1246.]

[*Writs of error in criminal cases allowed United States to Supreme Court.*] That a writ of error may be taken by and on behalf of the United States from the district or circuit courts direct to the Supreme Court of the United States in all criminal cases, in the following instances, to wit: From a decision or judgment quashing, setting aside, or sustaining a demurrer to, any indictment, or any count thereof, where such decision or judgment is based upon the invalidity, or construction of the statute upon which the indictment is founded. From a decision arresting a judgment of conviction for insufficiency of the indictment, where such decision is based upon the invalidity or construction of the statute upon which the indictment is founded. From the decision or judgment sustaining a special plea in bar, when the defendant has not been put in jeopardy. The writ of error in all such cases shall be taken within thirty days after the decision or judgment has been rendered and shall be diligently prosecuted and shall have precedence over all other cases. Pending the prosecution and determination of the writ of error in the foregoing instances, the defendant shall be admitted to bail on his own recognizance: *Provided*, That no writ of error shall be taken by or allowed the United States in any case where there has been a verdict in favor of the defendant. [34 Stat. L. 1246.]

Validity.—This Act is directed to judgments rendered before the moment of jeopardy is reached, and therefore is not repugnant to the Fifth Amendment of the United States Constitution. *Taylor v. U. S.*, (1907) 207 U. S. 120.

This Act is not unconstitutional on the ground that it authorizes the United States in the cases specified to bring the case directly from the District or Circuit Court to the Supreme Court, but does not allow the accused to bring to the Supreme Court where a demurrer to the indictment or some count thereof is overruled. The accused has his remedy by review of the final judgment where a demurrer is erroneously overruled. The object of the Act was to prevent unnecessary delay in the administration of the criminal law, and to provide a method by which the courts of original jurisdiction may be instructed as to the validity and meaning of the particular criminal statute sought to be enforced. Such

a provision is within the legitimate discretion of Congress to prescribe. *U. S. v. Bitty*, (1908) 208 U. S. 393, *reversing* on other grounds (1907) 155 Fed. 938.

The word "construction" in the above section is employed in its common signification, and includes both construction and interpretation, although there may be an abstract difference in meaning between those terms. *U. S. v. Keitel*, (1908) 211 U. S. 370, *followed* in *U. S. v. Biggs*, (1908) 211 U. S. 507.

Construction of indictment.—This Act does not give authority to revise the action of the court below as to the mere construction of an indictment, and in the exercise of the power to review under the Act the Supreme Court must accept the construction of the indictment made by the lower court and test in that aspect the lower court's construction of the statute on which the indictment was founded. Whether an exception to this rule

exists where the construction given by the court below to the indictment was merely the result of a misconstruction of the statute on which it was founded, *quære*. U. S. v. Biggs, (1908) 211 U. S. 507, following U. S. v. Keitel, (1908) 211 U. S. 370.

Where an indictment is quashed on the ground that the facts charged therein are not within the statute under which the prosecution is brought, a contention that a writ of error will not lie under the above Act, because the indictment and not the statute was interpreted or construed, is without merit. U. S. v. Keitel, (1908) 211 U. S. 370.

Scope of review.—The right of the United States to go directly to the Supreme Court because of a construction of a statute by the court below is derived solely from the above Act. This Act vests the Supreme Court with jurisdiction to review only the particular questions decided by the court below, and does not permit the opening of the whole case in the Supreme Court or authorize consideration of the validity of the indictment on any other grounds than those enumerated in the Act and passed on by the court below. U. S. v. Keitel, (1908) 211 U. S. 370.

In reviewing a decision of the trial court

in sustaining special pleas in bar of the prosecution, the court may not go beyond the ruling of the court below on such pleas. U. S. v. Mason, 213 U. S. 115, 29 Sup. Ct. Rep. 480, holding that the court will not consider the grounds of demurrer to the indictment.

Where a writ of error is taken on the ground that the statute on which the indictment was founded was wrongly construed, and also on the separate ground that a plea of the statute of limitations, in bar of the prosecution, was wrongly sustained, it is not necessary that the Supreme Court should pass on both questions where its decision in regard to one of them is in favor of the action of the lower court and is conclusive against the government's right further to prosecute the case. U. S. v. Biggs, (1908) 211 U. S. 507.

Effect on certiorari to C. C. A.—The power of the Supreme Court to review proceedings in a Circuit Court of Appeals by certiorari, as provided by the Act of 1891 (Act March 3, 1891, ch. 517, 26 Stat. L. 826, 4 Fed. Stat. Annot. 395), must be determined without reference to this Act, which for this purpose cannot be extended beyond its terms. U. S. v. Dickinson, 213 U. S. 92, 29 Sup. Ct. Rep. 485.

[III. APPEAL IN HABEAS CORPUS PROCEEDINGS.]

An Act Restricting in certain cases the right of appeal to the Supreme Court in habeas corpus proceedings.

[Act of March 10, 1908, ch. 76, 35 Stat. L. 40.]

[*Habeas corpus appeals from state courts to Supreme Court restricted.*]

That from a final decision by a court of the United States in a proceeding in habeas corpus where the detention complained of is by virtue of process issued out of a State court no appeal to the Supreme Court shall be allowed unless the United States court by which the final decision was rendered or a justice of the Supreme Court shall be of opinion that there exists probable cause for an appeal, in which event, on allowing the same, the said court or justice shall certify that there is probable cause for such allowance. [35 Stat. L. 40.]

[IV. DISABLED JUDGES.]

An Act To amend section five hundred and ninety-one of the Revised Statutes of the United States relative to the assignment of district judges to perform the duties of a disabled judge.

[Act of March 4, 1907, ch. 2940, 34 Stat. L. 1417.]

[*Designation from another circuit permitted for disabled district judge.*]

That whenever in the case contemplated and provided for in section five hundred and ninety-one of the Revised Statutes it shall be certified by the circuit judge, or in his absence, by the circuit justice of the circuit in which the district lies, that for any sufficient reason it is impracticable to designate and appoint a

judge of another district within the circuit to perform the duties of such disabled judge, the chief justice may, if in his judgment the public interests so require, designate and appoint the judge of any other district in another circuit to hold said courts and to discharge all the judicial duties of the judge so disabled, during such disability. [34 Stat. L. 1417.]

For R. S. sec. 591, above referred to, see 4 Fed. Stat. Annot. 675.

[V. RETIRED PAY OF JUDGES.]

An Act To amend section seven hundred and fourteen of the Revised Statutes of the United States, relating to the resignation of judges of the courts of the United States.

[Act of Feb. 15, 1909, ch. 127, 35 Stat. L. 619.]

[*United States judges retired — pay.*] That section seven hundred and fourteen of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

“**Sec. 714.** When any judge of any court of the United States appointed to hold his office during good behavior resigns his office, after having held a commission or commissions as judge of any such court or courts at least ten years continuously, and having attained the age of seventy years, he shall, during the residue of his natural life, receive the salary which is payable at the time of his retirement for the office that he held at a time ten years before his resignation.” [35 Stat. L. 619.]

R. S. sec. 714, hereby amended, is set forth in 4 Fed. Stat. Annot. 498.

[VI. UNITED STATES COURT FOR CHINA.]

An Act Creating a United States court for China and prescribing the jurisdiction thereof.

[Act of June 30, 1906, ch. 3934, 34 Stat. L. 814.]

[**Sec. 1.**] [*China — United States court established in — sessions — seal — issue of process.*] That a court is hereby established, to be called the United States court for China, which shall have exclusive jurisdiction in all cases and judicial proceedings whereof jurisdiction may now be exercised by United States consuls and ministers by law and by virtue of treaties between the United States and China, except in so far as the said jurisdiction is qualified by section two of this Act. The said court shall hold sessions at Shanghai, China, and shall also hold sessions at the cities of Canton, Tientsin, and Hankau at stated periods, the dates of such sessions at each city to be announced in such manner as the court shall direct, and a session of the court shall be held in each of these cities at least once annually. It shall be within the power of the judge, upon due notice to the parties in litigation, to open and hold court for the hearing of a special cause at any place permitted by the treaties, and where there is a United States consulate, when, in his judgment, it shall be required by the convenience of witnesses, or by some public interest. The place of sitting of the court shall be in the United States consulate at each of the cities, respectively. That the seal of the said United States court for China shall be the arms of the United

States, engraved on a circular piece of steel of the size of a half dollar, with these words on the margin, "The Seal of the United States Court for China." The seal of said court shall be provided at the expense of the United States. All writs and processes issuing from the said court, and all transcripts, records, copies, jurats, acknowledgments, and other papers requiring certification or to be under seal, may be authenticated by said seal, and shall be signed by the clerk of said court. All processes issued from the said court shall bear test from the day of such issue. [*34 Stat. L. 814.*]

Purpose of Act. — The object of the treaty of the United States with China, and the intention of Congress in creating the United States Court for China, in so far as that court is given criminal jurisdiction, was to throw around American citizens residing or sojourning in China, and there charged with crime, the beneficent principles of the laws of the United States relating to the trial of persons charged with crime — the rules of evidence, the presumption of innocence, the degree of

proof necessary to convict, the right of the accused to be confronted with witnesses against him, exemption from being compelled to criminate himself, etc. But, while securing them these privileges, the statute at the same time made them subject to punishment for acts made criminal by any law of the United States, or for acts recognized as crimes under the common law. *Biddle v. U. S.*, 156 Fed. 761.

SEC. 2. [*Jurisdiction of consuls in minor cases continued — arrests, etc. — appeals — Korean cases — settlement of estates — inventory — schedule of debts — payment of claims, etc. — reports — special bond.*] The consuls of the United States in the cities of China to which they are respectively accredited shall have the same jurisdiction as they now possess in civil cases where the sum or value of the property involved in the controversy does not exceed five hundred dollars United States money and in criminal cases where the punishment for the offense charged can not exceed by law one hundred dollars fine or sixty days' imprisonment, or both, and shall have power to arrest, examine, and discharge accused persons or commit them to the said court. From all final judgments of the consular court either party shall have the right of appeal to the United States court for China: *Provided, also,* That appeal may be taken to the United States court for China from any final judgment of the consular courts of the United States in Korea so long as the rights of extraterritoriality shall obtain in favor of the United States. The said United States court for China shall have and exercise supervisory control over the discharge by consuls and vice-consuls of the duties prescribed by the laws of the United States relating to the estates of decedents in China. Within sixty days after the death in China of any citizen of the United States, or any citizen of any territory belonging to the United States, the consul or vice-consul whose duty it becomes to take possession of the effects of such deceased person under the laws of the United States shall file with the clerk of said court a sworn inventory of such effects, and shall as additional effects come from time to time into his possession immediately file a supplemental inventory or inventories of the same. He shall also file with the clerk of said court within said sixty days a schedule under oath of the debts of said decedent, so far as known, and a schedule or statement of all additional debts thereafter discovered. Such consul or vice-consul shall pay no claims against the estate without the written approval of the judge of said court, nor shall he make sale of any of the assets of said estate without first reporting the same to said judge and obtaining a written approval of said sale, and he shall likewise within ten days after any such sale report the fact of such sale to said court, and the amount derived therefrom. The said judge shall have power to require at any time reports from consuls or vice-consuls in respect of all their acts and doings relating to the estate of any such deceased person.

The said court shall have power to require where it may be necessary a special bond for the faithful performance of his duty to be given by any consul or vice-consul into whose possession the estate of any such deceased citizen shall have come in such amount and with such sureties as may be deemed necessary, and for failure to give such bond when required, or for failure to properly perform his duties in the premises, the court may appoint some other person to take charge of said estate, such person having first given bond as aforesaid. A record shall be kept by the clerk of said court of all proceedings in respect of any such estate under the provisions hereof. [34 Stat. L. 814.]

SEC. 3. [*Appeals to circuit court of appeals, ninth circuit — Supreme Court — procedure.*] That appeals shall lie from all final judgments or decrees of said court to the United States circuit court of appeals of the ninth judicial circuit, and thence appeals and writs of error may be taken from the judgments or decrees of the said circuit court of appeals to the Supreme Court of the United States in the same class of cases as those in which appeals and writs of error are permitted to judgments of said court of appeals in cases coming from district and circuit courts of the United States. Said appeals or writs of error shall be regulated by the procedure governing appeals within the United States from the district courts to the circuit courts of appeal, and from the circuit courts of appeal to the Supreme Court of the United States, respectively, so far as the same shall be applicable; and said courts are hereby empowered to hear and determine appeals and writs of error so taken. [34 Stat. L. 815.]

Mode of review.—It is apparent from a reading of this section that it was the intention of Congress to recognize the distinction between cases at law and cases in equity and admiralty, and to provide that the mode of procedure by which the jurisdiction of the reviewing court may be invoked shall conform in all respects to the statutes and rules of

court governing appeals and writs of error from the District and Circuit Courts. The judgment rendered by the Court for China in an action at law may be reviewed by the Circuit Court of Appeals only upon writ of error; appeal does not lie, and will be dismissed, notwithstanding the appellee has not appeared. *Toeg v. Suffert*, (C. C. A.) 167 Fed. 125.

SEC. 4. [*Jurisdiction of court and consular courts.*] The jurisdiction of said United States court, both original and on appeal, in civil and criminal matters, and also the jurisdiction of the consular courts in China, shall in all cases be exercised in conformity with said treaties and the laws of the United States now in force in reference to the American consular courts in China, and all judgments and decisions of said consular courts, and all decisions, judgments, and decrees of said United States court, shall be enforced in accordance with said treaties and laws. But in all such cases when such laws are deficient in the provisions necessary to give jurisdiction or to furnish suitable remedies, the common law and the law as established by the decisions of the courts of the United States shall be applied by said court in its decisions and shall govern the same subject to the terms of any treaties between the United States and China. [34 Stat. L. 815.]

Obtaining money by false pretenses is an offense cognizable by the court created by this Act because of its jurisdiction over common-law offenses, for, although the offense was created by the statute of 30 Geo. II., yet this statute is to be considered as a part of the common law referred to by Congress in this enactment. Moreover, Congress has made the act of obtaining money by false pretenses a crime in the territory (Alaska, by Act March 3, 1899, ch. 429, 1 Fed. Stat. Annot. 303,

and the District of Columbia by Act March 3, 1901, sec. 842, To Establish a code therefor), over which the United States exercises exclusive legislative jurisdiction, thus making the act an offense against the laws of the United States within the meaning of this statute. *Biddle v. U. S.*, (C. C. A.) 156 Fed. 759, holding that the information upon which a conviction was had in this case did not state facts sufficient to constitute the offense.

SEC. 5. [*Procedure.*] That the procedure of the said court shall be in accordance, so far as practicable, with the existing procedure prescribed for consular courts in China in accordance with the Revised Statutes of the United States: *Provided, however,* That the judge of the said United States court for China shall have authority from time to time to modify and supplement said rules of procedure. The provisions of sections forty-one hundred and six and forty-one hundred and seven of the Revised Statutes of the United States allowing consuls in certain cases to summon associates shall have no application to said court. [*34 Stat. L. 816.*]

R. S. secs. 4106 and 4107 are given in 2 Fed. Stat. Annot. 824.

SEC. 6. [*Officers — appointment and salaries — expenses.*] There shall be a district attorney, a marshal, and a clerk of said court, with authority possessed by the corresponding officers of the district courts in the United States as far as may be consistent with the conditions of the laws of the United States and said treaties. The judge of said court and the district attorney, who shall be lawyers of good standing and experience, marshal, and clerk shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive as salary, respectively, the sums of eight thousand dollars per annum for said judge, four thousand dollars per annum for said district attorney, three thousand dollars per annum for said marshal, and three thousand dollars per annum for said clerk. The judge of the said court and the district attorneys shall, when the sessions of the court are held at other cities than Shanghai, receive in addition to their salaries their necessary expenses during such sessions not to exceed ten dollars per day for the judge and five dollars per day for the district attorney. [*34 Stat. L. 816.*]

As to salary and expenses of these officers, 1909, ch. 235, under the title JUDICIAL OFFICERS, *ante*, p. 283.
see provision from the Acts of Feb. 22, 1907, ch. 1184, May 21, 1908, ch. 183, and March 2,

SEC. 7. [*Tenure.*] The tenure of office of the judge of said court shall be ten years, unless sooner removed by the President for cause; the tenure of office of the other officials of the court shall be at the pleasure of the President. [*34 Stat. L. 816.*]

SEC. 8. [*Bond of marshal and clerk — deputies — compensation — marshal in China abolished.*] The marshal and the clerk of said court shall be required to furnish bond for the faithful performance of their duties, in sums and with sureties to be fixed and approved by the judge of the court. They shall each appoint, with the written approval of said judge, deputies at Canton and Tientsin, who shall also be required to furnish bonds for the faithful performance of their duties, which bonds shall be subject, both as to form and sufficiency of the sureties, to the approval of the said judge. Such deputies shall receive compensation at the rate of five dollars for each day the sessions of the court are held at their respective cities. The office of marshal in China now existing in pursuance of section forty-one hundred and eleven of the Revised Statutes is hereby abolished. [*34 Stat. L. 816.*]

R. S. sec. 4111 is given in 2 Fed. Stat. Annot. 825.

SEC. 9. [*Fees.*] The tariff of fees of said officers of the court shall be the same as the tariff already fixed for the consular courts in China, subject to amendment from time to time by order of the President, and all fees taxed and received shall be paid into the Treasury of the United States. [*34 Stat. L. 816.*]

[VII. JUDICIAL CIRCUITS AND DISTRICTS — TERMS AND SESSIONS OF COURTS.]

An Act To fix the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama, and for other purposes.

[Act of April 14, 1906, ch. 1625, 34 Stat. L. 114.]

[SEC. 1.] *[Alabama northern judicial district—terms, for southern division, at Birmingham.]* That the regular terms of the circuit and district courts of the United States for the southern division of the northern district of Alabama shall be held at the city of Birmingham, in the county of Jefferson, twice in each year, on the first Mondays in March and September, and that said courts shall remain in open session for the transaction of business at least six months in each calendar year. *[34 Stat. L. 114.]*

SEC. 2. *[Assignment of judge from other districts.]* That whenever the judge for the northern district of Alabama deems it advisable, on account of disability or absence, or of the accumulation of business therein, or for any other cause, that said court should be held by the judge of some other district or circuit court, he shall, in writing, request the presiding judge for the fifth judicial circuit of the United States to assign a judge to hold the term or terms of said court. *[34 Stat. L. 114.]*

An Act Providing for a United States judge for the northern judicial district of Alabama.

[Act of Feb. 25, 1907, ch. 1198, 34 Stat. L. 931.]

[Alabama northern judicial district—district judge authorized for—residence, Birmingham.] That the President of the United States, by and with the advice and consent of the Senate, shall appoint a district judge for the northern judicial district of Alabama, who shall possess and exercise all the powers conferred by existing law upon the judges of the district courts of the United States, and who shall possess the same powers and perform the same duties within the said northern judicial district of Alabama as are now possessed by and performed by the district judge of the United States in any of the judicial districts established by law, and he shall receive the same compensation now or hereafter prescribed by law in respect to other district judges of the United States: *And provided,* That after appointment the judge appointed under this Act shall reside at Birmingham, in said district. *[34 Stat. L. 931.]*

Jurisdiction of northern district.—This provision does not repeal the Act (Act Aug. 2, 1886, ch. 842, sec. 2, 4 Fed. Stat. Annot. 627) giving to one district judge jurisdiction of the northern and middle districts of Alabama. The result is that the judge appointed under the earlier statute remains sole judge

of the middle district and a judge of the northern district, while the present Act makes the judge appointed thereunder an additional judge of the northern district. *Birch v. Steele*, (C. C. A.) 165 Fed. 577, *dismissing* petition to revise 162 Fed. 694.

An Act To provide for circuit and district courts of the United States at Gadsden, Alabama.

[Act of Feb. 19, 1909, ch. 162, 35 Stat. L. 640.]

[SEC. 1.] *[Alabama northern judicial district—middle division created.]* That the middle division of the northern judicial district of the State of Alabama is hereby established, composed of the counties of Cherokee, Dekalb, Marshall, Etowah, and Saint Clair. *[35 Stat. L. 640.]*

SEC. 2. [*Terms at Gadsden — court rooms.*] That a term of the circuit and the district courts of the middle division of the northern judicial district of the State of Alabama shall be held at Gadsden, in Etowah County, in said State, on the first Tuesday in February and on the first Tuesday in August of each year: *Provided, however,* That suitable rooms and accommodations are furnished for the holdings of said courts, free of all expense to the Government, until a public building shall be provided for by law. [35 Stat. L. 640.]

SEC. 3. [*Return of process — pending cases not affected.*] That all civil process issued against persons residing in said counties cognizable before the United States court shall be made returnable to the courts of the United States, respectively, to be held at Gadsden, as provided by this Act, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at Gadsden: *Provided,* That no process or prosecutions commenced or suits instituted before the passage of this Act shall be in any way affected by the provisions hereof, and that all prosecutions heretofore commenced for offenses heretofore committed against the United States in any of the said counties shall be prosecuted and tried as though this Act had not been passed. [35 Stat. L. 641.]

SEC. 4. [*Attendance of clerks, etc.*] That it shall be the duty of the clerks, marshals, and other officers of the northern judicial district to attend said terms of said court and perform the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district; and that the clerks of the circuit and district courts of said northern district shall maintain an office, in charge of themselves or a deputy, at Gadsden, which shall be kept open at all times for the transaction of the business of said division. [35 Stat. L. 641.]

SEC. 17. [*Alabama northern district — northwestern division.*] That the northwestern division of the northern judicial district of the State of Alabama is hereby established, composed of the counties of Lauderdale, Colbert, Marion, Franklin, and Winston. All other counties now in the northern division of the northern judicial district of the State of Alabama shall constitute the northeastern division of the northern district of Alabama, and the courts of the northeastern division of said northern district of Alabama shall be held at Huntsville, as now provided by law. [35 Stat. L. 842.]

This and the following sections 18-20 are from the Act of March 3, 1909, ch. 269, entitled "An Act to amend section eighty-six of an Act to provide a government for the Territory of Hawaii, to provide for additional

judges, and for other judicial purposes." Section 23 of the Act, given *infra*, under the title STATES, provides that the Act shall take effect July 1, 1909, and repeals conflicting provisions.

SEC. 18. [*Terms at Florence — court rooms.*] That a term of the circuit and the district courts of the northwestern division of the northern judicial district of the State of Alabama shall be held at Florence, in Lauderdale County, in said State, on the first Monday in February and on the first Monday in November of each year: *Provided, however,* That suitable rooms and accommodations are furnished for holding of said courts free of all expenses to the Government. [35 Stat. L. 843.]

SEC. 19. [*Return of process — pending cases.*] That all civil process issued against persons residing in said counties of Lauderdale, Colbert, Marion, Franklin, and Winston cognizable before the United States court shall be made return-

able to the courts of the United States respectively to be held at Florence, as provided by this Act, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at Florence: *Provided*, That no process or prosecutions commenced or suits instituted before the passage of this Act shall be in any way affected by the provisions hereof, and that all prosecutions heretofore commenced for offenses heretofore committed against the United States in any of the said counties of Lauderdale, Colbert, Marion, Franklin, and Winston shall be prosecuted and tried as though this Act had not been passed. [35 Stat. L. 843.]

SEC. 20. [*Attendance of officers — office at Florence.*] That it shall be the duty of the clerks, marshals, and other officers of the northern judicial district to attend said terms of said court and perform the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district; and that the clerks of the circuit and district courts of said northern district shall maintain an office, in charge of themselves or a deputy, at Florence, which shall be kept open at all times for the transaction of the business of said division. [35 Stat. L. 843.]

An Act To provide for circuit and district courts of the United States at Dothan, Alabama.

[Act of March 7, 1908, ch. 60, 35 Stat. L. 38.]

[SEC. 1.] [*Alabama middle judicial district — southern division established — term at Montgomery.*] That the southern division of the middle judicial district of the State of Alabama is hereby established, composed of the counties of Coffee, Dale, Geneva, Henry, and Houston. And all other counties now in the middle judicial district of the State of Alabama shall constitute the northern division of the middle district of Alabama, and the courts of said northern division shall be held in Montgomery, as now provided by law. [35 Stat. L. 38.]

SEC. 2. [*Southern division — term at Dothan.*] That a term of the circuit and the district courts for the southern division of the middle judicial district of the State of Alabama shall be held at Dothan, in Houston County, in said State, on the first Monday in June and the first Monday in December in each year: *Provided, however*, That suitable rooms and accommodations are furnished for the holdings of said courts free of expense to the Government until the public building provided for by Act of Congress shall be erected. [35 Stat. L. 38.]

SEC. 3. [*Return of process — pending causes not affected.*] That all civil process issued against persons resident in said counties of Coffee, Dale, Geneva, Henry, and Houston and cognizable before the United States court shall be made returnable to the courts of the United States respectively to be held at Dothan, as provided by this Act, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at Dothan: *Provided*, That no process issued or prosecutions commenced or suits instituted before the passage of this Act shall be in any way affected by the provisions hereof, and that all prosecutions heretofore commenced for offenses heretofore committed against the United States in any of the said counties of Coffee, Dale, Geneva, Henry, and Houston shall be prosecuted and tried as though this Act had not been passed. [35 Stat. L. 38.]

SEC. 4. [*Clerks, marshal, etc. — office at Dothan.*] That it shall be the duty of the clerks, marshal, and other court officers of the middle judicial district to attend said terms of said court and perform the duties pertaining to their positions, and no additional clerk or marshal shall be appointed in said district; and that the clerks of the circuit and district courts of said southern division shall maintain an office, in charge of themselves or a deputy, at Dothan, which shall be kept open at all times for the transaction of the business of said division. [35 Stat. L. 38.]

An Act To regulate the practice in certain civil and criminal cases in the western district of Arkansas.

[Act of June 2, 1906, ch. 2569, 34 Stat. L. 206.]

[SEC. 1.] [*Arkansas western judicial district — transfer of civil cases to divisions.*] That in civil cases in law or equity, now or hereafter pending, in either the district or circuit court of the United States, for either of the divisions of the western district of Arkansas, may, on written stipulation of the parties or their attorneys of record, signed and filed with the papers in the case, in vacation or in term, and on the written order of the judge, signed and filed in the case, in vacation, or on the order of the court, duly entered of record, in term, be transferred to another division of the district for final trial; and in the event of such transfer, it shall be the duty of the clerk of the court in which such suit is pending to make out and transfer a certified copy of all the record entries in the case together with all the original papers in the case to the clerk of the court to which such case is transferred, for which he shall have such fees as are now allowed for making transcripts, and the sum of two dollars additional for transferring the same, to be taxed as costs and paid as other costs in the case, and the clerk receiving such transcript and original papers shall file the same and the case shall then proceed to final disposition as other cases of like nature. [34 Stat. L. 206.]

SEC. 2. [*Criminal causes transferred to Fort Smith division — certified copies of record entries, etc. — compensation.*] That the defendants in criminal cases now or hereafter pending in the district courts of the Harrison or Texarkana divisions of the western district of Arkansas and who are incarcerated at Fort Smith to await trial because of their inability to furnish bail and who desire to plead "guilty" may, on their written motion showing those facts and filed in the case, in vacation, and upon the order of the judge, duly signed and filed in the case, have their cases transferred to the Fort Smith division of the western district of Arkansas, to the end that trials may be had and sentences imposed as in other cases of like nature; and prisoners bound over to answer to indictments in the Harrison or Texarkana divisions of the western district of Arkansas for offenses committed in those divisions and who are incarcerated in the jail at Fort Smith, Arkansas, for inability to furnish bail, and who desire to plead "guilty" to such offenses, may on their own motions have their cases submitted to a grand jury of the Fort Smith division for indictment and final disposition in the courts of that division, or in proper cases may plead to informations filed in the proper court in said division and have their cases disposed of as other cases of like nature when the offense was committed in the Fort Smith division. When a transfer is ordered, as provided in this section, the clerk shall make out and forthwith send a certified copy of the record entries, together with the indictment and all the original papers, to the clerk of the court to which such case is transferred, who shall file

the same, and thereupon the case shall be proceeded with as other cases of like nature pending in such court. For making out said transcript and forwarding the same, together with the original papers in said case, the clerk of the court shall have the usual compensation for making out transcripts, as now provided by law, and two dollars additional, to be taxed and paid as other costs in like cases. [34 Stat. L. 207.]

An Act Establishing regular terms of the United States circuit and district courts of the Northern district of California at Eureka, California.

[Act of June 29, 1906, ch. 3626, 34 Stat. L. 631.]

[SEC. 1.] [*California northern district — term at Eureka.*] That there shall be one term each of the United States district and circuit courts for the northern district of California held in the city of Eureka, California, in each year from and after the passage of this Act, said term to begin on the third Monday in July and continue as long as the business may require. [34 Stat. L. 631.]

SEC. 2. [*Clerk, etc.*] That the clerk of the district and circuit courts for the northern district of California and the marshal and district attorney for said district shall perform the duties appertaining to their offices, respectively, for said courts. [34 Stat. L. 631.]

An Act To provide for an additional district judge for the northern district of California.

[Act of March 2, 1907, ch. 2575, 34 Stat. L. 1253.]

[SEC. 1.] [*California judicial district — additional judge appointed for northern district.*] That there shall be in the northern district of California an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same powers and jurisdiction and receive the same compensation provided by law in respect to other district judges. [34 Stat. L. 1253.]

SEC. 2. [*Division of business.*] That the senior circuit judge of the ninth circuit, or any circuit judge within the State of California, shall make all necessary orders for the division of business and the assignment of cases for trial in said district. [34 Stat. L. 1253.]

An Act To provide for sittings of the circuit and district courts of the southern district of Florida in the city of Miami in said district.

[Act of June 9, 1906, ch. 3062, 34 Stat. L. 226.]

[SEC. 1.] [*Florida southern district — session at Miami.*] That in addition to the times and places now fixed by law for the sitting of the circuit court of the United States for the southern district of Florida there shall be a session of the said circuit court in the city of Miami on the fourth Monday in April in each year hereafter. [34 Stat. L. 226.]

SEC. 2. [*Terms at Miami.*] That there shall be a regular term of the district court of the United States for the southern district of Florida in the city of Miami on the fourth Monday in April in each year hereafter. [34 Stat. L. 226.]

An Act To transfer the county of Alachua, in the State of Florida, from the southern to the northern judicial district of that State, and to provide for sittings of the United States circuit and district courts for the northern district of Florida at the city of Gainesville, in said district.

[Act of Feb. 6, 1906, ch. 18, 35 Stat. L. 6.]

[SEC. 1.] [*Florida northern judicial district — Alachua County transferred from southern district.*] That the county of Alachua, in the State of Florida, which is now in the southern judicial district of said State, be, and the same is hereby, transferred to and made a part of the northern judicial district of said State. [35 Stat. L. 6.]

SEC. 2. [*Pending causes, etc.*] That all causes, civil and criminal, which arose in said county of Alachua, and which are now pending in the courts of said southern judicial district of Florida, shall remain and be disposed of in said courts, and all persons who have committed offenses against the United States in said county shall be prosecuted and tried as though this Act had not been passed. [35 Stat. L. 6.]

SEC. 3. [*Terms at Gainesville.*] That there shall be held at the city of Gainesville, in the said county of Alachua, terms of both circuit and district courts for said northern district of Florida on the first Monday in May and on the first Monday in December of each year. [35 Stat. L. 6.]

SEC. 4. [*Temporary quarters free.*] That suitable rooms and accommodations shall be furnished for holding said courts free of expense to the Government of the United States until such time as a Federal building shall be prepared for that purpose in said city of Gainesville, in the State of Florida. [35 Stat. L. 6.]

An Act To amend an Act to provide for circuit and district courts of the United States at Albany, Georgia.

[Act of June 28, 1906, ch. 3577, 34 Stat. L. 547.]

[SEC. 1.] [*Georgia southern district — Albany division established.*] That the word "southwestern," wherever it appears in said Act, be stricken out, and the word "Albany" be inserted in lieu thereof. [34 Stat. L. 547.]

The Act to provide for courts at Albany (March 3, 1905, ch. 1431) is given in 10 Fed. Stat. Annot. 201.

SEC. 2. [*Counties assigned to division created.*] That the counties of Tift, Turner, and Crisp be assigned to said division of the southern district of Georgia. [34 Stat. L. 547.]

SEC. 3. [*County of Colquitt.*] That the county of Colquitt, now in the southwestern division of the southern district of Georgia, be detached from said southwestern division and attached to the Albany division of said district. [34 Stat. L. 547.]

SEC. 4. [*County of Miller.*] That the county of Miller, now in the northern district of Georgia, be detached from said district and attached to the Albany division of the southern district of Georgia. [34 Stat. L. 547.]

An Act For an additional term of court at Quincy, Illinois.

[Act of Feb. 3, 1907, ch. 393, 34 Stat. L. 882.]

[*Illinois southern judicial district — additional term at Quincy.*] That an additional term of the circuit and district courts in and for said southern district of Illinois shall be held at the city of Quincy on the first Monday of March of each year. [34 Stat. L. 882.]

An Act To amend an Act entitled "An Act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June first, nineteen hundred, and all Acts amendatory thereof.

[Act of April 21, 1906, ch. 1648, 34 Stat. L. 127.]

[SEC. 1.] [*Iowa southern judicial district — Appanoose county transferred from southern to eastern division — terms at Creston.*] That section one of an Act entitled "An Act to create the southern division of the southern district of Iowa for judicial purposes, and to fix the time and place for holding court therein," approved June first, nineteen hundred, and all Acts amendatory thereof, be amended to read as follows: "That the counties of Lucas, Clarke, Union, Adair, Adams, Tremont, Page, Taylor, Ringgold, Decatur, and Wayne shall constitute the southern division of the southern judicial district of Iowa; and a term of a circuit and district court for said district shall be held in said division hereby created at Creston, in Union County, on the fourth Tuesday in March and first Tuesday in November of each and every year." And the county of Appanoose heretofore within said southern division is hereby transferred to and made a part of the eastern division of the southern judicial district of Iowa. [34 Stat. L. 127.]

Section 1 of the Act of June 1, 1900, above referred to, is given in 4 Fed. Stat. Annot. 705.

SEC. 2. [*Pending causes transferred to Keokuk.*] That all causes now pending in the southern division of the southern judicial district from Appanoose County shall be transferred to the eastern division of the southern judicial district of Iowa, at Keokuk, in Lee County. [34 Stat. L. 127.]

SEC. 3. [*Criminal cases — prior offenses, etc., not affected.*] That all crimes and offenses against the laws of the United States committed within said Appanoose County shall be prosecuted, tried, and determined at the terms of the circuit and district courts of said eastern division of the southern judicial district of Iowa, at Keokuk, in Lee County: *Provided, however,* That all criminal offenses committed prior to and all prosecutions begun and pending at the taking effect of this Act shall be proceeded with and finally determined as if this Act had not been passed. [34 Stat. L. 127.]

An Act Transferring the county of Clinton, in the State of Iowa, from the northern judicial district of Iowa to the southern judicial district of Iowa.

[Act of June 19, 1906, ch. 3427, 34 Stat. L. 304.]

[SEC. 1.] [*Iowa — Clinton county transferred from northern to southern district.*] That the county of Clinton, in the State of Iowa, be, and the same is hereby, transferred from the northern judicial district of the United States circuit and district courts for the State of Iowa to the southern judicial district of the United States circuit and district courts of the said State of Iowa, and

that the said county of Clinton be, and the same is hereby, made a part of the Davenport division of the said southern judicial district of Iowa. [34 Stat. L. 304.]

SEC. 2. [*Civil process — cases to be tried at Davenport — pending cases not affected.*] That all civil process issued against persons resident in the said county of Clinton and cognizable before the United States courts shall be made returnable to the courts, respectively, to be held at the city of Davenport, Iowa, and all prosecutions for offenses committed in said county of Clinton shall be tried in the appropriate United States courts at the city of Davenport, Iowa: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof, but the same shall be proceeded with and tried in the said northern district. [34 Stat. L. 304.]

An Act To fix the time of holding the circuit and district courts of the United States in and for the northern district of Iowa.

[Act of Feb. 20, 1907, ch. 1137, 34 Stat. L. 912.]

[SEC. 1.] [*Iowa northern district — terms — Cedar Rapids, Dubuque, Sioux City, Fort Dodge.*] That hereafter terms of the circuit and district courts of the United States in and for the northern district of Iowa shall be held in the several divisions of said district in each year as follows: In the Cedar Rapids division at Cedar Rapids, on the first Tuesday in April and the fourth Tuesday in September; in the eastern division at Dubuque, on the fourth Tuesday in April and the first Tuesday in December; in the western division at Sioux City, on the fourth Tuesday in May and the third Tuesday in October; in the central division at Fort Dodge, on the second Tuesday in June and the second Tuesday in November. [34 Stat. L. 912.]

SEC. 2. [*Pending actions.*] That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time of holding the terms of said courts in either of said divisions, and the same shall be deemed to be pending in, returnable to, and triable at the terms of said courts as herein fixed. [34 Stat. L. 912.]

An Act To create a new division of the southern judicial district of Iowa and to provide for terms of court at Ottumwa, Iowa, and for a clerk for said court, and for other purposes.

[Act of Feb. 20, 1907, ch. 1138, 34 Stat. L. 913.]

[SEC. 1.] [*Iowa southern district — Ottumwa division created.*] That the counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello shall constitute a division of the southern judicial district of Iowa, to be known as the Ottumwa division of said court. [34 Stat. L. 913.]

SEC. 2. [*Terms at Ottumwa.*] That terms of the circuit and district courts of the United States for the said southern district of Iowa shall be held twice in each year at the city of Ottumwa, Iowa, and that until otherwise provided by law the judges of said courts shall fix the times at which said courts shall be held at Ottumwa, of which they shall make publication and give due notice. [34 Stat. L. 913.]

SEC. 3. [*Return of process, etc. — pending causes.*] That all civil process issued against persons resident in the said counties of Davis, Appanoose, Mahaska, Keokuk, Jefferson, Monroe, and Wapello, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Ottumwa, Iowa, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States courts at the city of Ottumwa, Iowa: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof. [34 Stat. L. 913.]

SEC. 4. [*Offices.*] That the clerks of the circuit and district courts of said district shall maintain an office, in charge of themselves or deputy, at the said city of Ottumwa, Iowa, for the transaction of the business of said division. [34 Stat. L. 913.]

An Act To establish a United States court at Jackson, in the eastern district of Kentucky.

[Act of May 22, 1908, ch. 184, 35 Stat. L. 182.]

[SEC. 1.] [*Kentucky eastern judicial district — terms of courts.*] That section nine of "An Act to divide Kentucky into two judicial districts," approved February twelfth, nineteen hundred and one, as amended by the Act entitled "An Act establishing a United States court at Catlettsburg, in the eastern district of Kentucky," approved March tenth, nineteen hundred and two, be, and the same is hereby, amended so as to read:

"SEC. 9. That the regular terms of the circuit and district courts of the United States for the western district of Kentucky shall be held at the following times and places, namely: At Louisville, beginning on the second Monday in March and the second Monday in October in each year; at Owensboro, beginning on the fourth Monday in November and the first Monday in May in each year; at Paducah, beginning on the third Monday in April and the third Monday in November in each year; at Bowling Green, beginning on the third Monday in May and the second Monday in December in each year.

"That the regular terms of the circuit and district courts of the United States for the eastern district of Kentucky shall be held at the following times and places, namely: At Jackson, beginning on the first Monday in March and the third Monday in September in each year; at Frankfort, beginning on the second Monday in March and the fourth Monday in September in each year; at Covington, beginning on the first Monday in April and the third Monday in October in each year; at Richmond, beginning on the fourth Monday in April and the second Monday in November in each year; at London, beginning on the second Monday in May and the fourth Monday in November in each year; at Catlettsburg, beginning on the fourth Monday in May and the second Monday in December in each year, and at such other times and places as may hereafter be provided by law." [35 Stat. L. 182.]

Section 9 of the Act of Feb. 12, 1901, here amended, is set forth in 4 Fed. Stat. Annot. 707.

SEC. 2. [*Temporary quarters.*] That suitable rooms and accommodations are to be furnished for holding the courts at Jackson, free of expense to the Government of the United States, until such time as a Federal building shall be erected there. [35 Stat. L. 183.]

An Act To provide for holding sessions of the United States circuit and district courts at Springfield, Massachusetts.

[*Act of March 2, 1909, ch. 240, 35 Stat. L. 685.*]

[SEC. 1.] [*Massachusetts judicial district — terms of court, Springfield.*] That hereafter, and until otherwise provided by law, two sessions of the district and circuit courts of the United States for the district of Massachusetts shall be held in each and every year in the city of Springfield, Massachusetts, beginning, respectively, on the second Tuesday of May and the second Tuesday of December. [*35 Stat. L. 685.*]

SEC. 2. [*Deputy marshal and clerk.*] That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said city of Springfield, and he shall also maintain an office at that place. [*35 Stat. L. 685.*]

SEC. 3. [*Court rooms.*] That suitable rooms and accommodations shall be furnished for holding said courts free of expense to the Government of the United States until such time as a federal building shall be prepared for that purpose in said Springfield. [*35 Stat. L. 685.*]

An Act Transferring Phelps County to the eastern division of the eastern judicial district of Missouri.

[*Act of Feb. 4, 1907, ch. 457, 34 Stat. L. 875.*]

[*Missouri eastern judicial district — Phelps county transferred to eastern division of — pending cases not affected.*] That the county of Phelps, in the State of Missouri, be detached from the western judicial district and attached to the eastern division of the eastern judicial district of the State of Missouri: *Provided*, That the courts of the western district shall retain and exercise jurisdiction over all causes and proceedings, civil and criminal, arising in or coming from said county and begun and pending at the date of the taking effect of this Act, and of all criminal offenses committed in said county prior to the date this Act goes into effect, the prosecution of which has not been begun, as completely as if this Act were not passed. [*34 Stat. L. 875.*]

An Act To divide the judicial district of Nebraska into divisions and to provide for an additional district judge in said district.

[*Act of Feb. 27, 1907, ch. 2073, 34 Stat. L. 997.*]

[SEC. 1.] [*Nebraska judicial district — additional judge appointed.*] That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of the United States for the district of Nebraska, who shall reside in said district, and who shall possess the same powers, perform the same duties, and receive the same salary as the present judge of said district. [*34 Stat. L. 997.*]

SEC. 2. [*Division of business — assignment by circuit judge.*] That the present district judge in said district and the one appointed under this Act shall agree between themselves upon the division of business and assignment of cases for trial in said districts: *Provided, however*, That in case the said two district judges do not agree the senior circuit judge of the eighth circuit shall make all

necessary orders for the division of business and the assignment of cases for trial in said district. [34 Stat. L. 998.]

SEC. 3. [*Regular terms — places.*] That the regular terms of the circuit and district courts of the United States for said district of Nebraska shall be held at the following times and places, namely: At Omaha, beginning on the fourth Monday in September and the first Monday in April; at Norfolk, beginning on the third Monday in September; at Grand Island, beginning on the second Monday in January; at North Platte, beginning on the first Monday in January; at Chadron, beginning on the second Monday in September; at Lincoln, beginning on the fourth Monday in October and the second Monday in May; at Hastings, beginning on the second Monday in March, and at McCook beginning on the first Monday in March. [34 Stat. L. 998.]

SEC. 4. [*Special terms.*] That special terms of the circuit and district courts may be held in said district whenever such special terms are deemed necessary by the judges thereof, and the time or times of holding such special sessions of said courts shall be fixed by the judges either by rule of said courts or by special order of a judge thereof. [34 Stat. L. 998.]

SEC. 5. [*Eight divisions established.*] That for the purpose of holding terms of court in said district of Nebraska said district shall be divided into eight divisions, known as the Omaha division, the Norfolk division, the Grand Island division, the North Platte division, the Chadron division, the Lincoln division, the Hastings division, and the McCook division. The territory comprising the counties of Douglas, Sarpy, Washington, Dodge, Colfax, Platte, Nance, Boome, Wheeler, Burt, Thurston, Dakota, Cuming, Cedar, and Dixon shall constitute the Omaha division, all terms of court for which shall be held in the city of Omaha. The territory comprising the counties of Madison, Antelope, Knox, Pierce, Stanton, Wayne, Holt, Boyd, Rock, Brown, and Keyapaha shall constitute the Norfolk division, all terms of court for which shall be held at the city of Norfolk. The territory comprising the counties of Cherry, Sheridan, Dawes, Boxbutte, and Sioux shall constitute the Chadron division, all terms of court for which shall be held at the city of Chadron. The territory comprising the counties of Hall, Merrick, Howard, Greeley, Garfield, Valley, Sherman, Buffalo, Custer, Loup, Blaine, Thomas, Hooker, and Grant shall constitute the Grand Island division, all terms of court for which shall be held at the city of Grand Island. The territory comprising the counties of Lincoln, Dawson, Logan, McPherson, Keith, Deuel, Cheyenne, Kimball, Banner, and Scotts Bluff shall constitute the North Platte division, all terms of court for which shall be held at the city of North Platte. The territory comprising the counties of Cass, Otoe, Johnson, Nemaha, Pawnee, Richardson, Gage, Lancaster, Saunders, Butler, Seward, Saline, Jefferson, Thayer, Fillmore, York, Polk, and Hamilton shall constitute the Lincoln division, all terms of court for which shall be held at the city of Lincoln. The territory comprising the counties of Clay, Nuckolls, Webster, Adams, Kearney, Franklin, Harlan, and Phelps shall constitute the Hastings division, all terms of court for which shall be held at the city of Hastings. The territory comprising the counties of Gosper, Furnas, Redwillow, Frontier, Hayes, Hitchcock, Dundy, Chase, and Perkins shall constitute the McCook division, all terms of court for which shall be held at the city of McCook: *Provided*, That where provision is made herein for holding court at places where there is [*sic*] no Federal buildings, a suitable room in which to hold court, together with light and heat, shall be provided by the city or county where such court is held without any expense to the United States. [34 Stat. L. 998.]

SEC. 6. [*Appointment of deputy clerks — court to approve appointment, etc.*] That the clerks of the circuit and district courts of said district shall appoint deputy clerks at places where court is required to be held in the divisions of said district in which the clerk himself does not reside, who shall keep their offices and reside at the places appointed for the holding of said courts in the division of such residence and who shall keep the records of such courts in such division, and in the absence of the clerk shall exercise all of the official powers of the clerk within the division for which they are appointed: *Provided*, That the appointment of each deputy shall be approved by the court he represents and may be removed by said court at its pleasure. The clerk shall be responsible for the official acts and negligence of his deputies. [34 Stat. L. 999.]

SEC. 7. [*Jurisdiction — civil suits not of a local nature.*] That all civil actions not of a local nature, against a single defendant, must be brought in the division where said defendant resides; but if there are two or more defendants residing in different divisions of said district the plaintiff may sue in any division in which a defendant resides, and all issues arising in such suit shall be tried in such division unless by consent of the parties, with the approval of the court, the case shall be removed to some other division. [34 Stat. L. 999.]

SEC. 8. [*Of a local nature.*] That all civil actions of a local nature at law or in equity shall be brought in the division where the subject-matter of the action is located; and where any such action is properly brought in such division and the defendant resides in a different division in said district from that in which the action is brought, the plaintiff may have original and final process against said defendant directed to the marshal of said district. Any such action, at law or in equity, where the land or other subject-matter lies partly in one division and partly in another within said district, may be brought in any division where any part of the land or other subject-matter of the action is situated. [34 Stat. L. 999.]

SEC. 9. [*Prosecution of crimes, etc.*] That all prosecutions for crimes or offenses committed after the passage of this Act shall be cognizable only in the division of the district where the same was committed, unless the court, upon application of the defendant for good cause shown, shall order that the cause be removed for trial to another division of the district, and such application may be made to a court when sitting in any division in said district upon such notice to the prosecution as the court may require. [34 Stat. L. 999.]

SEC. 10. [*Petit jurors.*] That all petit jurors summoned for service in any division shall be residents of such division. At or about the time for the selecting of a petit jury for any term of court in any division, if it shall be made to appear to the satisfaction of a district judge of said district that there is no litigation for trial at such coming term of court in such division in which there are issues triable to a jury, said judge may order that no jury be summoned for said term in said division. [34 Stat. L. 999.]

SEC. 11. [*Grand juries — sittings, Omaha — Lincoln — transfer of process — special grand jury.*] That unless otherwise ordered by the district court, grand juries in said district shall sit in the Omaha division and the Lincoln division only. The grand jury sitting in the Omaha division shall take cognizance and have jurisdiction of all crimes and offenses committed in the territory comprising the Omaha division, the Norfolk division, the Grand Island division, the North Platte division, and the Chadron division, and such grand jurors shall be drawn from the territory comprising said divisions. The

grand jury sitting in the Lincoln division shall take cognizance and have jurisdiction of all crimes and offenses committed in the territory comprising the Lincoln division, the Hastings division, and the McCook division, and such grand jurors shall be drawn from the territory comprising said divisions. The foreman of each grand jury shall indorse upon each indictment found the name of the division in which the crime or offense was committed; and if such crime or offense was committed in any division other than the division in which said grand jury is sitting, the same, together with all process, writs, and recognizances relating thereto, shall be certified and transferred to the division indorsed on such indictment: *Provided*, That a district judge of said district may order the summoning of a grand jury for any term of court in any division of said district, and in such case such grand jury shall be drawn from the territory comprising such division only, and such grand jury shall take cognizance only of crimes and offenses committed in said division. [34 Stat. L. 999.]

SEC. 12. [*Prior crimes, etc.*] That all provisions of this Act in any way changing or modifying existing law or procedure shall not apply to crimes and offenses committed prior to the time when the same takes effect, and when necessary to obtain indictments or for the trial of any such crimes and offenses jurors, both grand and petit, shall be selected, drawn, and summoned from the entire district, and such causes shall be commenced and prosecuted in the same manner as if this Act had never been passed. [34 Stat. L. 1000.]

SEC. 13. [*Marshal's salary increased.*] That from and after the first day of July, nineteen hundred and seven, the salary of the marshal for the district of Nebraska shall be four thousand dollars per annum. [34 Stat. L. 1000.]

SEC. 14. [*Repeal.*] That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed. [34 Stat. L. 1000.]

SEC. 15. [*Effect.*] That this Act shall take effect from and after its approval by the President. [34 Stat. L. 1000.]

An Act To appoint an additional judge for the southern district of New York.

[Act of May 26, 1906, ch. 2557, 34 Stat. L. 202.]

[*New York southern district — additional judge.*] That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district. [34 Stat. L. 202.]

An Act Providing for an additional judge for the southern district of New York, and for other purposes.

[Act of March 2, 1909, ch. 242, 35 Stat. L. 685.]

[SEC. 1.] [*New York southern judicial district — additional judge authorized.*] That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district. [35 Stat. L. 685.]

SEC. 2. [*Payment for services of judge, eastern district.*] That that part of section six hundred and thirteen of the Revised Statutes which reads as follows: "and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district," is hereby repealed. [35 Stat. L. 685.]

R. S. sec. 613, above mentioned, is set forth in 4 Fed. Stat. Annot. 243.

An Act To change the time of holding the United States district and circuit courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, North Carolina.

[Act of March 2, 1907, ch. 2528, 34 Stat. L. 1224.]

[SEC. 1.] [*North Carolina eastern district — terms.*] That hereafter the regular terms of the circuit and district courts in and for the eastern district of North Carolina shall be held as follows: At Elizabeth City on the second Monday in April and October; at Washington on the third Monday in April and October; at Newbern on the fourth Monday in April and October; at Wilmington on the second Monday after the fourth Monday in April and October; and terms of said courts shall be held at Raleigh on the fourth Monday after the fourth Monday in April and October, thus allowing for terms of one week each at Elizabeth City and Washington; and terms of two weeks each at Newbern and Wilmington, and terms at Raleigh to last until the business of each term is disposed of. [34 Stat. L. 1224.]

SEC. 2. [*Clerk at Washington — appointment — residence — court room.*] That section two of an Act entitled "An Act to provide for terms of the United States district and circuit courts at Washington, North Carolina," approved March third, nineteen hundred and five, be, and the same is hereby, amended to read:

"And the judge of the district or the circuit court in term may appoint a clerk of the circuit and district courts at Washington, North Carolina, who shall qualify by taking the oaths and giving the bonds as provided by statute for other clerks of the circuit and district courts of the United States: *Provided*, That said clerk shall reside in Washington, North Carolina: *Provided further*, That the city of Washington, North Carolina, shall provide and furnish at its own expense a suitable and convenient place for holding the circuit and district courts of the United States courts at Washington, North Carolina." [34 Stat. L. 1224.]

Section 2 of the Act of March 3, 1905, above referred to, is given in 10 Fed. Stat. Annot. 192.

SEC. 3. [*Repeal.*] That all Acts or parts of Acts so far as inconsistent with this Act are hereby repealed. [34 Stat. L. 1225.]

SEC. 4. [*Effect.*] That this Act shall be in force from and after its approval. [34 Stat. L. 1225.]

An Act To provide for the holding of United States district and circuit courts at Salisbury, North Carolina.

[Act of Jan. 31, 1908, ch. 6, 35 Stat. L. 8.]

[SEC. 1.] [*North Carolina western judicial district — terms at Salisbury.*] That two terms of the district and circuit courts of the United States for the western district of North Carolina shall be held in each and every year in the

grand jury sitting in the Lincoln division shall take cognizance and have jurisdiction of all crimes and offenses committed in the territory comprising the Lincoln division, the Hastings division, and the McCook division, and such grand jurors shall be drawn from the territory comprising said divisions. The foreman of each grand jury shall indorse upon each indictment found the name of the division in which the crime or offense was committed; and if such crime or offense was committed in any division other than the division in which said grand jury is sitting, the same, together with all process, writs, and recognizances relating thereto, shall be certified and transferred to the division indorsed on such indictment: *Provided*, That a district judge of said district may order the summoning of a grand jury for any term of court in any division of said district, and in such case such grand jury shall be drawn from the territory comprising such division only, and such grand jury shall take cognizance only of crimes and offenses committed in said division. [34 Stat. L. 999.]

SEC. 12. [*Prior crimes, etc.*] That all provisions of this Act in any way changing or modifying existing law or procedure shall not apply to crimes and offenses committed prior to the time when the same takes effect, and when necessary to obtain indictments or for the trial of any such crimes and offenses jurors, both grand and petit, shall be selected, drawn, and summoned from the entire district, and such causes shall be commenced and prosecuted in the same manner as if this Act had never been passed. [34 Stat. L. 1000.]

SEC. 13. [*Marshal's salary increased.*] That from and after the first day of July, nineteen hundred and seven, the salary of the marshal for the district of Nebraska shall be four thousand dollars per annum. [34 Stat. L. 1000.]

SEC. 14. [*Repeal.*] That all laws and parts of laws so far as inconsistent with the provisions of this Act are hereby repealed. [34 Stat. L. 1000.]

SEC. 15. [*Effect.*] That this Act shall take effect from and after its approval by the President. [34 Stat. L. 1000.]

An Act To appoint an additional judge for the southern district of New York.

[Act of May 26, 1906, ch. 2557, 34 Stat. L. 202.]

[*New York southern district — additional judge.*] That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district. [34 Stat. L. 202.]

An Act Providing for an additional judge for the southern district of New York, and for other purposes.

[Act of March 2, 1909, ch. 242, 35 Stat. L. 685.]

[SEC. 1.] [*New York southern judicial district — additional judge authorized.*] That the President of the United States be, and he is hereby, authorized and directed, by and with the advice and consent of the Senate, to appoint an additional judge for the southern district of New York, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judges of said district. [35 Stat. L. 685.]

SEC. 2. [*Payment for services of judge, eastern district.*] That that part of section six hundred and thirteen of the Revised Statutes which reads as follows: "and at every such term held by said judge of said eastern district he shall receive the sum of three hundred dollars, the same to be paid in the manner now prescribed by law for the payment of the expenses of another district judge while holding court in said district," is hereby repealed. [35 Stat. L. 685.]

R. S. sec. 613, above mentioned, is set forth in 4 Fed. Stat. Annot. 243.

An Act To change the time of holding the United States district and circuit courts in the eastern district of North Carolina, and to provide for the appointment of a clerk of the courts at Washington, North Carolina.

[Act of March 2, 1907, ch. 2528, 34 Stat. L. 1224.]

[SEC. 1.] [*North Carolina eastern district — terms.*] That hereafter the regular terms of the circuit and district courts in and for the eastern district of North Carolina shall be held as follows: At Elizabeth City on the second Monday in April and October; at Washington on the third Monday in April and October; at Newbern on the fourth Monday in April and October; at Wilmington on the second Monday after the fourth Monday in April and October; and terms of said courts shall be held at Raleigh on the fourth Monday after the fourth Monday in April and October, thus allowing for terms of one week each at Elizabeth City and Washington; and terms of two weeks each at Newbern and Wilmington, and terms at Raleigh to last until the business of each term is disposed of. [34 Stat. L. 1224.]

SEC. 2. [*Clerk at Washington — appointment — residence — court room.*] That section two of an Act entitled "An Act to provide for terms of the United States district and circuit courts at Washington, North Carolina," approved March third, nineteen hundred and five, be, and the same is hereby, amended to read:

"And the judge of the district or the circuit court in term may appoint a clerk of the circuit and district courts at Washington, North Carolina, who shall qualify by taking the oaths and giving the bonds as provided by statute for other clerks of the circuit and district courts of the United States: *Provided*, That said clerk shall reside in Washington, North Carolina: *Provided further*, That the city of Washington, North Carolina, shall provide and furnish at its own expense a suitable and convenient place for holding the circuit and district courts of the United States courts at Washington, North Carolina." [34 Stat. L. 1224.]

Section 2 of the Act of March 3, 1905, above referred to, is given in 10 Fed. Stat. Annot. 192.

SEC. 3. [*Repeal.*] That all Acts or parts of Acts so far as inconsistent with this Act are hereby repealed. [34 Stat. L. 1225.]

SEC. 4. [*Effect.*] That this Act shall be in force from and after its approval. [34 Stat. L. 1225.]

An Act To provide for the holding of United States district and circuit courts at Salisbury, North Carolina.

[Act of Jan. 31, 1908, ch. 6, 35 Stat. L. 3.]

[SEC. 1.] [*North Carolina western judicial district — terms at Salisbury.*] That two terms of the district and circuit courts of the United States for the western district of North Carolina shall be held in each and every year in the

town of Salisbury, North Carolina, beginning, respectively, on the fourth Monday in April and October, to continue till the business is disposed of. [35 Stat. L. 3.]

SEC. 2. [*Clerk.*] That the clerk of the United States district and circuit courts at Statesville, North Carolina, shall be the clerk of the United States circuit and district courts at Salisbury. [35 Stat. L. 3.]

An Act To amend an Act entitled "An Act to divide the judicial district of North Dakota," approved April twenty-sixth, eighteen hundred and ninety.

[Act of June 29, 1906, ch. 3595, 34 Stat. L. 609.]

[*North Dakota judicial district.*] That the act entitled "An Act to divide the judicial district of North Dakota," approved April twenty-sixth, eighteen hundred and ninety, be amended so as to read as follows:

"[SEC. 1.] [*North Dakota one district.*] That the State of North Dakota shall constitute one judicial district.

"SEC. 2. [*Divisions of district.*] That for the purpose of holding terms of the district court said district shall be divided into five divisions, to be known as the southwestern, southeastern, northeastern, northwestern, and western divisions. That portion of the State comprising the present counties of Burleigh, Stutsman, Logan, McIntosh, Emmons, Kidder, Foster, Wells, McLean, and all the territory in said State of North Dakota lying west of the Missouri River and south of the twelfth standard parallel shall constitute the southwestern division, the court for which shall be held at the city of Bismarck. That portion of the State comprising the present counties of Cass, Richland, Barnes, Dickey, Sargent, Lamoure, Ransom, Griggs, and Steele shall constitute the southeastern division, the court for which shall be held at the city of Fargo. That portion of the State comprising the present counties of Grand Forks, Traill, Walsh, Pembina, Cavalier, and Nelson shall constitute the northeastern division, the court for which shall be held at the city of Grand Forks. That portion of the State comprising the present counties of Ramsey, Eddy, Benson, Towner, Rolette, Bottineau, Pierce, and McHenry shall constitute the northwestern division, the court for which shall be held at the city of Devils Lake. That portion of the State comprising the present counties of Ward and Williams and all that territory lying west of the Missouri River and north of the twelfth standard parallel in the State of North Dakota shall constitute the western division, the court for which shall be held at the city of Minot.

"SEC. 3. [*Terms of district court; places — transfer of pending cases.*] That the terms of the district court for the district of North Dakota shall be held at Bismarck on the first Tuesday in March in each year; at Fargo on the third Tuesday in May in each year; at Grand Forks on the second Tuesday in November in each year; at Devils Lake on the first Tuesday in July in each year, and at Minot on the second Tuesday in October in each year. And the provisions of law now existing for the holding of said court on the first Monday in April and November of each year is hereby repealed, and all suits, prosecutions and processes, recognizances, bail bonds, and other proceedings of whatever nature pending in or returnable to said court on the days last named are hereby transferred to and shall be made returnable to and have force in the said respective terms provided in this Act in the same manner and with the same effect as they would have had had this Act not been passed.

"SEC. 4. [*Civil suits not of a local character.*] That all civil suits not of a local character now pending or which shall be brought in the district or circuit courts of the United States for the district of North Dakota in either of the said divisions against a single defendant, or where all the defendants reside in the same divisions of said district, shall be brought in the division in which the defendant or defendants reside, or, if there are two or more defendants residing in different divisions, such suit may be brought in either division, and all mesne and final process subject to the provisions of this Act, issued in either of said divisions, may be served and executed in either or all of said divisions. All issues of fact in civil causes triable in any of the said courts shall be tried in the division where the defendant or one of the defendants reside, unless by consent of both parties the case shall be removed to some other division.

"SEC. 5. [*Terms of circuit court; places — cases taken on appeal, etc. — juries.*] That the circuit court of the United States for said district shall be held at Bismarck on the first Tuesday in March in each year, at Fargo on the third Tuesday in May in each year, at Grand Forks on the second Tuesday in November in each year, at Devils Lake on the first Tuesday in July in each year, and at Minot on the second Tuesday in October in each year, and cases taken on appeal or writ of error from the district court shall be returnable to the circuit court held in that judicial subdivision from which the appeal was taken. When the circuit court or district court is held, as provided in this Act, at the same time and place, one grand and one petit jury only shall be summoned and serve in both said courts.

"SEC. 6. [*Appointment of deputy clerks — approval of appointments.*] That the clerk of the circuit and district courts for said district shall each appoint a deputy clerk at the place where their respective courts are required to be held in the division of the district in which such clerk shall not himself reside, each of whom shall, in the absence of the clerk, exercise all the powers and perform all the duties of clerk within the division for which he shall be appointed: *Provided*, That the appointment of such deputies shall be approved by the court for which they shall have been respectively appointed, and may be annulled by such court at its pleasure, and the clerks shall be responsible for the official acts and negligence of all such deputies." [34 Stat. L. 609.]

For the Act of April 26, 1890, above amended, see 4 Fed. Stat. Annot. 45.

An Act To provide for the appointment of an additional district judge in and for the southern district of the State of Ohio.

[Act of Feb. 25, 1907, ch. 1180, 34 Stat. L. 928.]

[SEC. 1.] [*Ohio southern judicial district — appointment of additional judge authorized.*] That there shall be in the southern judicial district of the State of Ohio, an additional district judge, who shall be appointed by the President, by and with the advice and consent of the Senate, and shall possess the same qualifications and have the same power and jurisdiction now prescribed by law in respect to the present district judge therein. [34 Stat. L. 928.]

SEC. 2. [*Vacancy, etc.*] That no vacancy in the office of the existing district judge of said southern judicial district of Ohio shall be filled by appointment, and in case of such vacancy, there shall be thereafter one district judge only for said district. [34 Stat. L. 928.]

An Act To amend an Act to regulate the sitting of the United States courts within the district of South Carolina.

[Act of Feb. 27, 1907, ch. 2070, 34 Stat. L. 1002.]

[SEC. 1.] [*South Carolina judicial district — terms of circuit court.*] That the regular terms of the circuit court of the United States for the district of South Carolina shall be held in each year as follows: In the city of Greenville, on the third Tuesday in April and on the third Tuesday in October; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November, the latter term to be solely for the trial of civil cases; in the city of Charleston, on the third Tuesday in March, and in the city of Florence, on the first Tuesday in March. [34 Stat. L. 1002.]

SEC. 2. [*Terms of district court.*] That the regular terms of the district court of the United States for the district of South Carolina shall be held in each year in the city of Greenville, on the third Tuesday in April and on the third Tuesday in October; in the city of Charleston, on the first Tuesday in June and on the first Tuesday in December; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November, the latter term to be solely for the trial of civil cases, and in the city of Florence, on the first Tuesday in March. [34 Stat. L. 1002.]

SEC. 3. [*Repeal.*] That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed. [34 Stat. L. 1003.]

An Act To change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greenville, and for other purposes.

[Act of June 18, 1906, ch. 3341, 34 Stat. L. 298.]

[SEC. 1.] [*Tennessee middle district — terms — southern division of eastern district — terms at Chattanooga — northeastern division — terms at Greenville.*] That the terms of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in May and October of each year instead of the third Monday in April and October, as now provided by law; and the terms of the circuit and district courts of the United States for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in April and December of each year; and the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greenville, shall commence on the first Monday in June and November of each year; and each of said terms at each of said places shall continue so long as the presiding judge may deem necessary. [34 Stat. L. 298.]

SEC. 2. [*Pending proceedings, etc., not affected.*] That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for. [34 Stat. L. 298.]

SEC. 3. [*Clerks — deputies.*] That the clerks of said circuit and district courts for the eastern district of Tennessee may reside and keep their offices, respectively, in either the city of Knoxville, Chattanooga, or Greeneville; but said clerks shall each, respectively, appoint a deputy to reside and keep their offices in each of the above-named cities other than the one in which said clerks shall respectively reside and keep their offices; that the said deputy clerks shall, in the absence of their principals, do and perform all the duties appertaining to their offices, respectively. [34 Stat. L. 298.]

SEC. 4. [*Effect — repeal.*] That this Act shall take effect from and after August first, nineteen hundred and six, the public welfare requiring it; and that all laws and parts of laws in conflict with this Act be, and are hereby, repealed. [34 Stat. L. 298.]

An Act To change the time of holding circuit and district courts of the United States for the middle district of Tennessee.

[Act of Feb. 8, 1907, ch. 895, 34 Stat. L. 882.]

[SEC. 1.] [*Tennessee middle and eastern judicial districts — terms at Nashville.*] That the term of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in April each year instead of the third Monday in April, as now provided by law. [34 Stat. L. 882.]

SEC. 2. [*Terms at Chattanooga.*] That the term of the circuit and district courts of the United States for the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in May of each year instead of the first Monday in April, as now provided by law. [34 Stat. L. 882.]

An Act To change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

[Act of Feb. 1, 1909, ch. 54, 35 Stat. L. 591.]

[SEC. 1.] [*Tennessee eastern and middle judicial districts — terms of court.*] That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, shall commence on the last Mondays in March and September of each year instead of the first Mondays in June and November, as now provided by law; that the terms of said courts for the middle district of Tennessee, held at Nashville, shall commence on the second Mondays in April and October of each year instead of the first Mondays in April and October, as now provided by law; that the terms of said courts for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the fourth Mondays in May and November of each year instead of the first Mondays in May and December, as now provided by law; and that the terms of said courts for the northern division of the eastern district of Tennessee, held at Knoxville, shall commence on the first Mondays in July and January of each year instead of the first Monday in March and second Monday in September, as now provided by law. [35 Stat. L. 591.]

SEC. 2. [*Pending proceedings, etc., not affected.*] That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process

An Act To amend an Act to regulate the sitting of the United States courts within the district of South Carolina.

[Act of Feb. 27, 1907, ch. 3079, 34 Stat. L. 1002.]

[SEC. 1.] [*South Carolina judicial district — terms of circuit court.*] That the regular terms of the circuit court of the United States for the district of South Carolina shall be held in each year as follows: In the city of Greenville, on the third Tuesday in April and on the third Tuesday in October; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November, the latter term to be solely for the trial of civil cases; in the city of Charleston, on the third Tuesday in March, and in the city of Florence, on the first Tuesday in March. [34 Stat. L. 1002.]

SEC. 2. [*Terms of district court.*] That the regular terms of the district court of the United States for the district of South Carolina shall be held in each year in the city of Greenville, on the third Tuesday in April and on the third Tuesday in October; in the city of Charleston, on the first Tuesday in June and on the first Tuesday in December; in the city of Columbia, on the third Tuesday in January and on the first Tuesday in November, the latter term to be solely for the trial of civil cases, and in the city of Florence, on the first Tuesday in March. [34 Stat. L. 1002.]

SEC. 3. [*Repeal.*] That all Acts and parts of Acts inconsistent with the provisions of this Act be, and the same are hereby, repealed. [34 Stat. L. 1003.]

An Act To change and fix the time for holding the circuit and district courts of the United States for the middle district of Tennessee, in the southern division of the eastern district of Tennessee at Chattanooga, and the northeastern division of the eastern district of Tennessee at Greeneville, and for other purposes.

[Act of June 18, 1906, ch. 3341, 34 Stat. L. 298.]

[SEC. 1.] [*Tennessee middle district — terms — southern division of eastern district — terms at Chattanooga — northeastern division — terms at Greeneville.*] That the terms of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in May and October of each year instead of the third Monday in April and October, as now provided by law; and the terms of the circuit and district courts of the United States for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in April and December of each year; and the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, shall commence on the first Monday in June and November of each year; and each of said terms at each of said places shall continue so long as the presiding judge may deem necessary. [34 Stat. L. 298.]

SEC. 2. [*Pending proceedings, etc., not affected.*] That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process in either of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for. [34 Stat. L. 298.]

SEC. 3. [*Clerks — deputies.*] That the clerks of said circuit and district courts for the eastern district of Tennessee may reside and keep their offices, respectively, in either the city of Knoxville, Chattanooga, or Greeneville; but said clerks shall each, respectively, appoint a deputy to reside and keep their offices in each of the above-named cities other than the one in which said clerks shall respectively reside and keep their offices; that the said deputy clerks shall, in the absence of their principals, do and perform all the duties appertaining to their offices, respectively. [34 Stat. L. 298.]

SEC. 4. [*Effect — repeal.*] That this Act shall take effect from and after August first, nineteen hundred and six, the public welfare requiring it; and that all laws and parts of laws in conflict with this Act be, and are hereby, repealed. [34 Stat. L. 298.]

An Act To change the time of holding circuit and district courts of the United States for the middle district of Tennessee.

[Act of Feb. 8, 1907, ch. 395, 34 Stat. L. 332.]

[SEC. 1.] [*Tennessee middle and eastern judicial districts — terms at Nashville.*] That the term of the circuit and district courts of the United States for the middle district of Tennessee, held at Nashville, shall commence on the first Monday in April each year instead of the third Monday in April, as now provided by law. [34 Stat. L. 332.]

SEC. 2. [*Terms at Chattanooga.*] That the term of the circuit and district courts of the United States for the eastern district of Tennessee, held at Chattanooga, shall commence on the first Monday in May of each year instead of the first Monday in April, as now provided by law. [34 Stat. L. 332.]

An Act To change and fix the time for holding the circuit and district courts of the United States for the eastern and middle districts of Tennessee.

[Act of Feb. 1, 1909, ch. 54, 35 Stat. L. 591.]

[SEC. 1.] [*Tennessee eastern and middle judicial districts — terms of court.*] That the terms of the circuit and district courts of the United States for the northeastern division of the eastern district of Tennessee, held at Greeneville, shall commence on the last Mondays in March and September of each year instead of the first Mondays in June and November, as now provided by law; that the terms of said courts for the middle district of Tennessee, held at Nashville, shall commence on the second Mondays in April and October of each year instead of the first Mondays in April and October, as now provided by law; that the terms of said courts for the southern division of the eastern district of Tennessee, held at Chattanooga, shall commence on the fourth Mondays in May and November of each year instead of the first Mondays in May and December, as now provided by law; and that the terms of said courts for the northern division of the eastern district of Tennessee, held at Knoxville, shall commence on the first Mondays in July and January of each year instead of the first Monday in March and second Monday in September, as now provided by law. [35 Stat. L. 591.]

SEC. 2. [*Pending proceedings, etc., not affected.*] That no action, suit, proceeding, information, indictment, recognizance, bail bond, or other process

in any of said courts shall abate or be rendered invalid by reason of the change of time in the holding of the terms of said courts, but the same shall be deemed to be returnable to, pending, and triable at the terms herein provided for. [35 Stat. L. 591.]

SEC. 3. [*Repeal.*] That all laws and parts of laws in conflict with this Act be, and are hereby, repealed. [35 Stat. L. 591.]

SEC. 4. [*Effect.*] That this Act shall take effect from and after February first, nineteen hundred and nine, the public welfare requiring it. [35 Stat. L. 591.]

An Act To create a new division in the middle judicial district of the State of Tennessee.

[Act of Feb. 13, 1909, ch. 112, 35 Stat. L. 618.]

[SEC. 1.] [*Tennessee middle judicial district — northeastern division established.*] That a new division of the middle judicial district of the State of Tennessee, to be known as the northeastern division of the middle judicial district of Tennessee, be, and the same is hereby, established, to be composed of the following counties, to wit: Putnam, Jackson, Clay, Overton, Pickett, Fentress, Cumberland, White, Van Buren, DeKalb, Smith, and Macon; and said counties be, and the same are hereby, transferred to said northeastern division of said middle district of Tennessee, but no additional clerk or marshal shall be appointed in or for said district. [35 Stat. L. 618.]

SEC. 2. [*Terms at Cookeville.*] That terms of the circuit court and of the district court of the northeastern division judicial district of Tennessee shall be held at Cookeville, in said State, each year on the second Mondays in May and November, after the passage of this Act. [35 Stat. L. 618.]

SEC. 3. [*Clerk's office, etc. — deputy clerk.*] That the clerks of the district and circuit courts for the middle district of Tennessee, and the marshal and district attorney for said district, shall perform the duties appertaining to their offices, respectively, for said courts of said northeastern division judicial district, and except when court is in session and a judge present the clerk's office of said courts may be at Nashville, where all records for said courts may be kept as of the same court and all duties performed as though the clerk were at Cookeville; but should, in the judgment of the district judge and the clerk, the business of said courts hereafter warrant the employment of a deputy clerk at Cookeville, Tennessee, new books and records may be opened for the court herein created and kept at Cookeville, and a deputy clerk appointed to reside and keep his office at Cookeville. [35 Stat. L. 618.]

SEC. 4. [*Suits not of a local nature.*] That all suits not of a local nature in said circuit and district courts against a single defendant, inhabitant of said State, must be brought in the division of the district in which he resides; but if there are two or more defendants residing in different divisions of the district such suits may be brought in either division. [35 Stat. L. 618.]

SEC. 5. [*Prosecution of crimes.*] That all prosecutions for crimes or offenses hereafter committed in either of the divisions of said district shall be cognizable within such division, and all prosecutions for crimes or offenses heretofore committed in the middle district as heretofore constituted shall be commenced and proceeded with as if this Act had not been passed. [35 Stat. L. 618.]

SEC. 6. [*Jurors — process.*] That all grand and petit jurors summoned for service in each division shall be residents of such division. All mesne and final process subject to the provisions hereinbefore contained, issued in either of said divisions, may be served and executed in either or both of the divisions. [35 Stat. L. 618.]

SEC. 7. [*Removal of suits from state courts.*] That in all cases of removal of suits from the courts of the State of Tennessee to the courts of the United States, in the middle district of Tennessee, such removal shall be to the United States courts in the division in which the county is situated from which the removal is made, and the time within which the removal shall be perfected, in so far as it refers to or is regulated by the terms of the United States courts, shall be deemed to refer to the terms of the United States courts held in said northeastern division of the middle judicial district. [35 Stat. L. 619.]

SEC. 8. [*Court rooms.*] That each of said courts shall be held in a building to be provided for that purpose by the county or municipal authorities and without expense to the United States. [35 Stat. L. 619.]

SEC. 9. [*Effect — repeal.*] That this Act shall be in force from and after the thirtieth day of June, anno Domini nineteen hundred and nine, and all Acts and parts of Acts so far as inconsistent herewith are hereby repealed. [35 Stat. L. 619.]

An Act To create a new division of the southern judicial district of Texas, and to provide terms of court at Victoria, and for other purposes.

[Act of April 18, 1906, ch. 1636, 34 Stat. L. 121.]

[SEC. 1.] [*Texas southern judicial district — new division created.*] That the counties of Bee, Calhoun, Dewitt, Goliad, Jackson, Live Oak, Refugio, Aransas, San Patricio, and Victoria shall constitute a division of the southern judicial district of Texas. [34 Stat. L. 121.]

SEC. 2. [*Terms at Victoria.*] That terms of the circuit and district courts of the United States for the southern district of Texas shall be held twice in each year at the city of Victoria, in Victoria County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Victoria, of which they shall make publication and give due notice. [34 Stat. L. 121.]

SEC. 3. [*Return of process, etc. — pending causes, etc., not affected.*] That all civil process issued against persons resident in the above-named counties and cognizable before said courts shall be issued out of and made returnable to said courts at Victoria, and that all prosecutions against persons for offenses committed in any of said counties shall be tried in said courts at Victoria: *Provided*, That no civil cause begun and pending or any criminal offense committed prior to the passage of this Act shall be in any way affected by it. [34 Stat. L. 122.]

SEC. 4. [*Office at Victoria.*] That the clerks of said courts of said district shall maintain an office in charge of themselves or a deputy, at said city of Victoria, which shall be kept open at all times for the transaction of business. [34 Stat. L. 122.]

An Act To create a new division of the western judicial district of Texas, and to provide for terms of court at Del Rio, Texas, and for a clerk for said court, and for other purposes.

[Act of June 8, 1906, ch. 3063, 34 Stat. L. 226.]

[SEC. 1.] [Texas western district — new division.] That the counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos shall constitute a division of the western judicial district of Texas. [34 Stat. L. 226.]

SEC. 2. [Terms at Del Rio.] That terms of the circuit and district courts of the United States for the said western district of Texas shall be held twice in each year at the city of Del Rio, in Valverde County, and that, until otherwise provided by law, the judges of said courts shall fix the times at which said courts shall be held at Del Rio, of which they shall make publication and give due notice. [34 Stat. L. 226.]

SEC. 3. [Return of process, etc. — pending cases.] That all civil process issued against persons resident in the said counties of Uvalde, Zavalla, Maverick, Kinney, Valverde, Terrell, and Pecos, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Del Rio, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Del Rio: *Provided*, That no process issued or prosecution commenced or suit instituted before the passage of this Act shall be in any way affected by the provisions hereof. [34 Stat. L. 226.]

SEC. 4. [Office, etc.] That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Del Rio, which shall be kept open at all times for the transaction of the business of said division. [34 Stat. L. 226.]

An Act To create a new division of the northern judicial district of Texas and to provide for terms of court at Amarillo, Texas, and for a clerk for said court, and for other purposes.

[Act of Feb. 14, 1908, ch. 24, 35 Stat. L. 8.]

[SEC. 1.] [Texas northern judicial district — new division established.] That the counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Lubbock, Hale, Swisher, Randall, Potter, Moore, Sherman, Hockley, Cochran, Bailey, Parmer, Dallam, Hartley, Oldham, Deaf Smith, Castro, and Lamb shall constitute a division of the northern judicial district of Texas. [35 Stat. L. 8.]

SEC. 2. [Terms at Amarillo.] That the terms of the circuit and district courts of the United States for the said northern district of Texas shall be held twice each year at the city of Amarillo, in Potter County, Texas, beginning on the third Monday of April and the fourth Monday of September in each year. [35 Stat. L. 8.]

SEC. 3. [Return of process, etc. — pending causes not affected.] That all civil process issued against persons resident in the said counties of Lipscomb, Hemphill, Wheeler, Collingsworth, Childress, Cottle, King, Dickens, Motley, Hall, Donley, Gray, Roberts, Ochiltree, Hansford, Hutchinson, Carson, Armstrong, Briscoe, Floyd, Crosby, Lubbock, Hale, Swisher, Randall, Potter, Moore, Sherman, Hockley, Cochran, Bailey, Parmer, Dallam, Hartley, Old-

ham, Deaf Smith, Castro, and Lamb, and cognizable before the United States courts, shall be made returnable to the courts, respectively, to be held at the city of Amarillo, and all prosecutions for offenses committed in any of said counties shall be tried in the appropriate United States court at the city of Amarillo: *Provided*, That no process issued, or prosecutions commenced, or suits instituted before the passage of this Act, shall be in any way affected by the provisions hereof, and that all persons who have committed offenses against the United States in any of the counties mentioned in this bill prior to the passage of this Act shall be prosecuted and tried as if this Act had not been passed. [35 Stat. L. 8.]

SEC. 4. [Office at Amarillo.] That the clerks of the circuit and district courts of said division shall maintain an office, in charge of themselves or a deputy, at the said city of Amarillo, which shall be kept open at all times for the transaction of the business of said division. [35 Stat. L. 8.]

An Act To attach Shelby County, in the State of Texas, to the Beaumont division of the eastern judicial district of said State and to detach it from the Tyler division of said district.

[Act of Feb. 21, 1908, ch. 33, 35 Stat. L. 34.]

[SEC. 1.] [Texas eastern judicial district — Shelby county transferred to Beaumont division.] That Shelby County, in the State of Texas, be, and the same is hereby, attached to and made a part of the Beaumont division of the eastern judicial district of the State of Texas and detached from the Tyler division of said judicial district. [35 Stat. L. 34.]

SEC. 2. [Return of process — pending causes not affected.] That all process against persons resident in said county of Shelby and cognizable before the court in said judicial district shall be issued out of and made returnable to said court at Beaumont, and that all prosecutions against persons for offenses committed in said county shall be tried in said court at Beaumont: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this Act shall be in any way affected by it. [35 Stat. L. 34.]

An Act To amend section thirteen of an Act entitled "An Act to divide the State of Texas into four judicial districts," approved March eleventh, nineteen hundred and two.

[Act of March 27, 1908, ch. 108, 35 Stat. L. 50.]

[Texas eastern judicial district — terms of court.] That section thirteen of an Act entitled "An Act to divide the State of Texas into four judicial districts," approved March eleventh, nineteen hundred and two, be, and the same is hereby, amended to read as follows, this amendment becoming operative on and after June first, nineteen hundred and eight:

"SEC. 13. That the United States circuit and district courts for the eastern district of Texas shall be held in each year at the times and places as follows: At Tyler, in the county of Smith, on the fourth Monday of January and the fourth Monday of April. At Jefferson, in the county of Marion, on the first Monday of October and the third Monday of February. At Beaumont, in the county of Jefferson, on the third Monday of November and the first Monday of April. At Sherman, in the county of Grayson, on the first Monday of January and the third Monday of May. At Paris, in the county of Lamar, on the

first Monday of March and the third Monday of October. At Texarkana, in the county of Bowie, on the third Monday of March and the first Monday of November." [35 Stat. L. 50.]

Section 13 of the Act of March 11, 1902, hereby amended, is set forth in 4 Fed. Stat. Annot. 728.

An Act To attach Dawson County, in the State of Texas, to the Abilene Division of the northern judicial district of said State and to detach it from the Fort Worth division of said court.

[Act of March 2, 1902, ch. 245, 35 Stat. L. 687.]

[SEC. 1.] [Texas northern judicial district — Dawson county transferred to Abilene division.] That Dawson County, in the State of Texas, be, and the same is hereby, attached to and made a part of the Abilene division of the northern judicial district of the State of Texas and detached from the Fort Worth division of said judicial district. [35 Stat. L. 687.]

SEC. 2. [Return of process — pending causes.] That all process against persons resident in said county of Dawson and cognizable before the court in said judicial district shall be issued out of and made returnable to said court at Abilene, and that all prosecutions against persons for offenses committed in said county shall be tried in said court at Abilene: *Provided*, That no civil or criminal cause begun and pending prior to the passage of this Act shall be in any way affected by it. [35 Stat. L. 687.]

An Act To authorize the holding of a regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Virginia.

[Act of June 28, 1902, ch. 3578, 34 Stat. L. 545.]

[Virginia western district — terms at Big Stone Gap — deputy clerk — marshal's duties — terms of court — places.] That chapter fourteen hundred and twenty-one, entitled "An Act to authorize holding of the regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Virginia," approved April twenty-second, nineteen hundred and four, is hereby amended so as to read as follows: "That two regular terms of the district and circuit courts for the western district of Virginia shall be held each year in the city of Big Stone Gap, Virginia, on the fourth Monday in January and the second Monday in August. That in the western district of Virginia the clerk of the circuit and district courts at Lynchburg, Virginia, shall appoint a deputy clerk who shall be deputy clerk of both circuit and district courts and who shall reside and keep his office at Big Stone Gap, Virginia, for the purpose of taking charge and custody of the court records and papers, attending the sessions of said courts, issuing all proper process and discharging all the clerical duties in connection with the business of the said courts at Big Stone Gap, Virginia. That the marshal for the western district of Virginia shall discharge all the duties of a marshal in connection with the business of the said courts at Big Stone Gap, Virginia. That the times and places for holding district and circuit courts in the western district of Virginia shall be as follows, to wit: At Charlottesville, the second Monday in January and the first Monday in July; at Roanoke, the third Monday in February and the third Monday in June; at Lynchburg, on the Tuesday after the second Monday in March and September; at Danville, on the Tuesday

after the second Monday in April and November; at Abingdon, on the Tuesday after the first Monday in May and October; at Harrisonburg, on the Tuesday after the first Monday in June and December; at Big Stone Gap, on the fourth Monday in January and the second Monday in August." [34 Stat. L. 548.]

The Act of April 22, 1904, above amended, is given in 10 Fed. Stat. Annot. 217.

An Act To authorize the appointment of a deputy clerk at Big Stone Gap, Virginia.

[Act of April 3, 1908, ch. 131, 35 Stat. L. 57.]

[Virginia western judicial district — Big Stone Gap — appointment of deputy clerk.] That chapter fourteen hundred and twenty-one, entitled "An Act to authorize holding of the regular term of the district and circuit courts of the United States for the western district of Virginia in the city of Big Stone Gap, Virginia," approved April twenty-second, nineteen hundred and four, is hereby amended so as to read as follows:

"That in the western district of Virginia the clerk of the circuit and district courts at Abingdon, Virginia, shall appoint a deputy clerk who shall be deputy clerk of both circuit and district courts and who shall reside and keep his office at Big Stone Gap, Virginia, for the purpose of taking charge and custody of the court records and papers, attending the sessions of said courts, issuing all proper process and discharging all the clerical duties in connection with the business of the said courts at Big Stone Gap, Virginia," and that portion of the said Act authorizing the appointment of the deputy clerk at Big Stone Gap, Virginia, by the clerk at Lynchburg, Virginia, be, and the same is hereby, repealed. [35 Stat. L. 57.]

The Act of April 22, 1904, hereby amended, is set forth in 10 Fed. Stat. Annot. 217.

An Act Providing that terms of the circuit court of the United States for the western district and of the district court of the United States for the northern division of the western district of the State of Washington be held at Bellingham.

[Act of Feb. 20, 1907, ch. 1139, 34 Stat. L. 913.]

[SEC. 1.] [Washington western district — terms of circuit court at Bellingham.] That in addition to the times and places now fixed by law for the setting of the circuit court of the United States for the western district of Washington there shall be sessions of the said circuit court in the city of Bellingham, beginning on the first Tuesday of April and October of each year hereafter. [34 Stat. L. 913.]

SEC. 2. [District court terms.] That there shall be regular terms of the district court of the United States for the northern division of the western district of Washington in the city of Bellingham, beginning on the first Tuesday of April and October of each year hereafter. [34 Stat. L. 913.]

An Act To provide for the appointment of one additional district judge in and for the Western district of Washington, and one additional district judge in and for the district of Oregon.

[Act of March 2, 1909, ch. 243, 35 Stat. L. 586.]

[SEC. 1.] [Washington western judicial district — additional judge authorized.] That the President of the United States, by and with the advice and consent of the Senate, shall appoint an additional judge of the district court of

the United States for the western district of Washington, whose length of term, compensation, duties, and powers shall be the same as now provided by law for the judge of said district. [35 Stat. L. 686.]

SEC. 2. [Assignment of cases.] That the present district judge in said district and the one appointed under this Act shall agree between themselves upon the division of business and assignment of cases for trial in said district: *Provided, however,* That in case the said two district judges do not agree the senior circuit judge of the ninth circuit shall make all necessary orders for the division of business and the assignment of cases for trial in said district. [35 Stat. L. 686.]

An Act To fix the time of holding the circuit and district courts for the northern district of West Virginia.

[Act of Feb. 11, 1907, ch. 920, 34 Stat. L. 890.]

[West Virginia northern judicial district — terms.] That so much of the Act of Congress approved January twenty-second, nineteen hundred and one, entitled an "Act to divide the State of West Virginia into two judicial districts," as relates to the time of holding the regular terms of the circuit and district courts of the United States for the northern district of West Virginia be amended so as to read as follows: "Regular terms of the circuit and district courts of the United States for the northern district of West Virginia shall begin at the following times and places in each year: At Wheeling, on the first Tuesday of April and the third Tuesday of September; at Clarksburg, on the third Tuesday of April and first Tuesday of October; at Martinsburg, on the second Tuesday of May and third Tuesday of October; at Philippi, on the fourth Tuesday of May and first Tuesday of November. And the circuit and district courts shall be held at Parkersburg beginning on the second Tuesday of January and second Tuesday of June of each year: *Provided,* That a place for holding said courts at Philippi shall be furnished to the Government free of cost by the county of Barbour until other provision is made therefor by law." [34 Stat. L. 890.]

For the Act of Jan. 22, 1901, see 4 Fed. Stat. Annot. 58.

An Act Amending chapter five hundred and ninety-one of the United States Statutes at Large, Fifty-sixth Congress, approved May twenty-sixth, nineteen hundred, entitled "An Act to provide for the holding of a term of the circuit and district courts of the United States at Superior, Wisconsin."

[Act of Feb. 26, 1900, ch. 192, 35 Stat. L. 647.]

[Wisconsin western judicial district — terms at Superior — additional clerk — office, etc. — return of process, etc. — trials — juries — deputy marshal, etc.] That chapter five hundred and ninety-one of the United States Statutes at Large, approved May twenty-sixth, nineteen hundred, be, and the same is hereby, amended so as to read as follows:

"SECTION 1. That two terms of the circuit and district courts of the United States for the western district of Wisconsin shall be held annually at the city of Superior, one term beginning on the fourth Tuesday in January and another term beginning on the second Tuesday in July. Either of said terms may be adjourned by the court, or by said clerk by the direction of the court, to any other day and from time to time at the same place,

"SEC. 2. That in addition to the two clerks now provided for the circuit and district judges of the western district of Wisconsin shall appoint a clerk, who shall be clerk both of the circuit and district courts for the western district of Wisconsin, who shall reside and keep his office at Superior, Wisconsin, and who shall receive such fees and compensation for services performed by him as are now fixed for clerks and limited by law; and one or more deputies of the clerk of the circuit and district courts may be appointed by the judges of said courts on the application of the clerk, and may be removed at the pleasure of the judges authorized to make the appointments. In case of the death of the clerk his deputy or deputies shall, unless removed, continue in office and perform the duties of the clerk in his name until a clerk is appointed and qualified.

"SEC. 3. All summonses, writs, and processes, except criminal warrants, issued out of said courts at Superior may be made returnable at Superior, and the clerk shall keep in his office the original records of all actions, prosecutions, and special proceedings so commenced and pending therein. Criminal warrants may be returned at any place where the court is held. Whenever warrants shall be returned at any place other than Superior, the clerk of the court, where the warrant is returned, shall certify the same, under the seal of the court, together with the plea and other proceedings had thereon, and the determination of the court upon such plea or proceedings, and all papers and orders filed in reference thereto, to the clerk of the courts at Superior, and shall charge for the same in his account against the United States. The clerk at Superior shall enter upon his records a minute of the proceedings had upon the return of said warrant and certified as aforesaid.

"SEC. 4. All causes triable in either of said courts when the summonses, writs, warrants, and processes shall be issued from the said courts at Superior shall be tried at Superior, unless by consent of parties, or unless otherwise ordered by the court.

"SEC. 5. A grand jury and petit jury shall be summoned for each term of said courts, which petit jury shall be competent to sit and act as such jury in either or both of said circuit and district courts at said terms: *Provided*, That the judge of the district court may, in his discretion, dispense with the summoning or impaneling of a grand jury at either or both of said terms.

"SEC. 6. The marshal of said western district of Wisconsin shall appoint a deputy marshal, who shall reside and keep his office at Superior, Wisconsin, whose compensation shall be fixed as provided by section ten, chapter two hundred and fifty-two, of the General Statutes of the United States, approved May twenty-eighth, eighteen hundred and ninety-six.

"SEC. 7. This Act shall take effect and be in force from and after its passage and publication." [35 Stat. L. 647.]

The Act of May 26, 1900, ch. 591, hereby amended, is set forth in 4 Fed. Stat. Annot. 723.

An Act To amend and reenact section one of chapter seventy-seven of volume twenty-seven of the United States Statutes at large, being "An Act to provide for a term of the United States circuit and district courts at Evanston, Wyoming," approved May twenty-third, eighteen hundred and ninety-two.

[Act of April 18, 1906, ch. 1619, 34 Stat. L. 111.]

[Wyoming judicial district — terms at Evanston.] That section one of chapter seventy-seven of volume twenty-seven of the United States Statutes at Large, being "An Act to provide for a term of the United States circuit and district courts at Evanston, Wyoming," approved May twenty-third, eighteen

hundred and ninety-two, be, and the same is hereby, amended and reenacted so as to read as follows: "That hereafter and until otherwise provided by law there shall be held annually, on the second Tuesday in July each year, a term of the circuit and district courts for the district of Wyoming at the town of Evanston, in said district, said term to be in addition to the terms now required by law to be held at the city of Cheyenne, in said district." [34 Stat. L. 111.]

Section 1 of the Act of May 23, 1892, above referred to, is given in 4 Fed. Stat. Annot. 733.

An Act To provide for a term of the United States circuit and district courts at Lander, Wyoming.

[Act of March 6, 1908, ch. 56, 35 Stat. L. 37.]

[Sec. 1.] [Wyoming judicial district — term at Lander.] That hereafter, and until otherwise provided by law, there shall be held annually on the first Monday in October a term of the circuit and district courts for the district of Wyoming at the town of Lander, in said district. [35 Stat. L. 37.]

Sec. 2. [Deputy marshal and clerk — court room.] That the marshal and clerk of said district shall each, respectively, appoint at least one deputy, to reside in said town of Lander, unless he himself shall reside there, and he shall also maintain an office at that place: *Provided*, That until a public building is provided on the site now owned by the Government in said town of Lander a place shall be furnished for holding of said courts at an expense to the Government of the United States not to exceed three hundred dollars annually. [35 Stat. L. 37.]

JURIES.

Act of Feb. 9, 1906, Ch. 155, 327.

Sec. 1. Oklahoma — Selection of Jurors — Appointment of Jury Commissioners — Grand and Petit Juries, 327.

2. Compensation of Commissioners — Service of Venues, 328.

3. Repeal, 329.

Act of June 28, 1906, Ch. 8584, 329.

Sec. 1. New Mexico — Jurors in Federal Cases, 329.

2. Effect, 329.

CROSS-REFERENCES.

See also *Acts Providing for Districts and Divisions of Courts, Terms and Sessions*, given under the title *JUDICIARY*.

Jurors in Porto Rico, see *PORTO RICO*.

An Act To provide for the selection of grand and petit jurors for the district courts in the Territory of Oklahoma.

[Act of Feb. 9, 1906, ch. 155, 34 Stat. L. 11.]

[Sec. 1.] [*Oklahoma — selection of jurors — appointment of jury commissioners — grand and petit juries.*] That until otherwise provided by the legislature of Oklahoma it shall be the duty of the judge of the district court in each judicial district of the Territory of Oklahoma to appoint in each county of his district two discreet, honorable, and reputable persons of opposite politics, and having the qualifications of jurors as prescribed by the laws of said Territory, and not interested in any cause, civil or criminal, pending in the district court of the county for which he is appointed, which two persons, together with the clerk of the district court, or his resident deputy, in such county, shall constitute a board of jury commissioners. Said commissioners shall meet at the office of the clerk of the district court upon the order of the judge of said court at least once each year, at such time as the judge shall designate, and after having taken and subscribed an oath that they will honestly, faithfully, and impartially discharge their duties as such jury commissioners, shall proceed to select the names of not less than three hundred nor more than three hundred and twenty-five persons, having and possessing the qualifications of jurors as prescribed by the laws of said Territory of Oklahoma. Said names for jurors shall be apportioned to and selected from the several voting precincts in said county as near as practicable according to the voting population of each precinct. The board of jury commissioners shall make a list of said names, showing the election precinct from which each juror was selected, and shall certify to the same and file said list in the office of the clerk of the district court for the county for which said names were selected. The clerk shall record said list upon the journal of the court and certify to the correctness thereof. As soon as said list is completed and recorded the clerk of the district court shall forthwith write each of said names upon a separate slip of paper, which slips shall be of uniform size and color, and shall fold said slips and place them in a box provided with two locks and keys of different designs

and securely lock the same, leaving no opening. When said box is closed and locked, the key of one lock shall be retained by the clerk and the other shall be delivered to and retained by the sheriff of the county. Prior to any term of court at which a grand or petit jury will be required the judge of the district court shall certify to the clerk of the district court the number of jurors that will be required for either a grand or a petit jury, and direct said jury to be drawn and summoned at such times as he shall direct. Upon receiving such order the clerk of the district court shall notify the sheriff of the time of the drawing of such jury, and the sheriff or one of his deputies, and the clerk of the district court or one of his deputies, shall take said box containing the names of the jurors so selected and thoroughly shake the same. They shall then together, in the presence of each other, open said jury box, and after placing the same in a position that neither can see into it, shall draw therefrom alternately one name at a time and record the same until the number of jurors have been drawn required in the order of the judge, which may be not to exceed thirty persons from which to select a grand jury and not to exceed forty persons from which to select a petit jury. As soon as said jurors are drawn and the names recorded, the slips drawn shall be destroyed and the box securely locked and retained in the custody of the clerk, one key being retained by the sheriff. Upon the completion of such drawing the clerk shall issue separate venires for the grand and petit jurors, returnable at such time as the judge shall in his order direct. The first names drawn to the number stated in the judge's order shall be summoned as grand jurors, and the grand jury shall be empaneled from said persons: *Provided*, That additional and other drawings may be had at such times as the court or judge may order for the completion of the panel of either the grand or petit jury, or for the empaneling of a new grand jury during any term of court, if, in the judgment of the court, the same shall become necessary, or if, for any cause, the court, in its discretion, shall deem other jurors necessary. The court may excuse or discharge any person drawn and summoned as a grand or petit juror whenever, in the discretion of the court, such action may be deemed expedient: *Provided further*, That at any time during a term of court after a petit jury has been drawn and summoned in the manner as herein provided, when for the trial of any cause, civil or criminal, the regular panel of jurors shall appear to be insufficient, the jury may be completed from talesmen or the court may direct that an open venire issue to the marshal or sheriff for such number of jurors as may be deemed necessary to be selected from the body or any portion of the county: *And provided further*, That the probate judges of the several counties may order a jury drawn in like manner from said jury box for any term of the probate court or for the trial of any cause in said court wherein a jury is authorized by the laws of Oklahoma to be drawn from such box. [34 Stat. L. 11.]

Selection of jury after commencement of term.—It is not error for the trial court to overrule a challenge to the entire panel of the grand jury because the grand jury was selected after the commencement of the term of the District Court at which the indictment complained of was returned, instead of before the commencement of such term as provided by the above section; the provisions of the Act as to the time of the selection of the grand

jury being directory only. *Price v. Territory*, (Okla.) 99 Pac. 157, 158.

A deputy clerk may perform the purely ministerial duties directed by this section to be performed by the clerk of the court, in the matter of recording the list of the jurors upon the journals of the court, and certifying to the correctness thereof. *Reed v. Territory*, (Okla.) 98 Pac. 583.

SEC. 2. [Compensation of commissioners — service of venires.] That the commissioners shall each receive as compensation for his services the sum of

ten dollars per day for each day actually and necessarily employed in the discharge of their duties, the time necessarily employed to be determined by the judge and to be paid upon the order of the judge of the district court, either by the United States or the county, as the judge in his order shall direct. The venires for juries, grand or petit, may be served by either the United States marshal or the sheriff of the county, as the court or judge shall order. [34 Stat. L. 13.]

SEC. 3. [*Repeal.*] That all laws of the Territory of Oklahoma inconsistent with the provisions of this Act are hereby repealed. [34 Stat. L. 13.]

An Act Providing for the manner of selecting and impaneling juries in the United States courts in the Territory of New Mexico.

[Act of June 28, 1906, ch. 3584, 34 Stat. L. 552.]

[SEC. 1.] [*New Mexico — jurors in federal cases.*] That section two of the Act of June thirtieth, eighteen hundred and seventy-nine, chapter fifty-two, providing for the manner of selecting and impaneling juries in the United States courts, together with the several Acts amendatory thereof, be, and the same is hereby, made applicable to the courts of the United States in the Territory of New Mexico sitting for the trial of causes and offenses arising under the Constitution and laws of the United States. [34 Stat. L. 552.]

SEC. 2. [*Effect.*] That this Act shall take effect from and after its passage. [34 Stat. L. 552.]

KIDNAPPING.

See *PENAL LAWS.*

LABOR.

Act of May 30, 1908, Ch. 236, 330.

Sec. 1. Compensation to Certain Government Employees for Injuries Sustained during Employment, 330.

2. Compensation to Widow, Children, or Dependents, 330.

3. Reports of Injuries — Character of Reports, 331.

4. Affidavit Filed in Case of Death — Time Limit — Physician's Certificate — Affidavit in Case of Injury — Determining Compensation, 331.

5. Medical Examination, 331.

6. Payments to Beneficiaries, etc., 332.

7. Contracts Exempting from Liability Void, 332.

8. Repeal, 332.

CROSS-REFERENCES.

Contract Labor, see IMMIGRATION.

Employers' Liability, see RAILROADS.

Hours of Labor on Railroads, see RAILROADS.

An Act Granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of their employment.

[Act of May 30, 1908, ch. 236, 35 Stat. L. 556.]

[SEC. 1.] *[Compensation to certain government employees for injuries sustained during employment.]* That when, on or after August first, nineteen hundred and eight, any person employed by the United States as an artisan or laborer in any of its manufacturing establishments, arsenals, or navy-yards, or in the construction of river and harbor or fortification work or in hazardous employment on construction work in the reclamation of arid lands or the management and control of the same, or in hazardous employment under the Isthmian Canal Commission, is injured in the course of such employment, such employee shall be entitled to receive for one year thereafter, unless such employee, in the opinion of the Secretary of Commerce and Labor, be sooner able to resume work, the same pay as if he continued to be employed, such payment to be made under such regulations as the Secretary of Commerce and Labor may prescribe: *Provided*, That no compensation shall be paid under this Act where the injury is due to the negligence or misconduct of the employee injured, nor unless said injury shall continue for more than fifteen days. All questions of negligence or misconduct shall be determined by the Secretary of Commerce and Labor. [35 Stat. L. 556.]

This Act is referred to in the Act of Feb. 24, 1909, ch. 179, "relating to injured employees on the Isthmian Canal," given *post*, under the title **RIVERS, HARBORS, AND CANALS.**

SEC. 2. *[Compensation to widow, children, or dependents.]* That if any artisan or laborer so employed shall die during the said year by reason of such injury received in the course of such employment, leaving a widow, or a child or children under sixteen years of age, or a dependent parent, such widow and child or children and dependent parent shall be entitled to receive, in such portions and under such regulations as the Secretary of Commerce and Labor

may prescribe, the same amount, for the remainder of the said year, that said artisan or laborer would be entitled to receive as pay if such employee were alive and continued to be employed: *Provided*, That if the widow shall die at any time during the said year her portion of said amount shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any. [35 Stat. L. 556.]

SEC. 3. [*Reports of injuries — character of reports.*] That whenever an accident occurs to any employee embraced within the terms of the first section of this Act, and which results in death or a probable incapacity for work, it shall be the duty of the official superior of such employee to at once report such accident and the injury resulting therefrom to the head of his Bureau or independent office, and his report shall be immediately communicated through regular official channels to the Secretary of Commerce and Labor. Such report shall state, first, the time, cause, and nature of the accident and injury and the probable duration of the injury resulting therefrom; second, whether the accident arose out of or in the course of the injured person's employment; third, whether the accident was due to negligence or misconduct on the part of the employee injured; fourth, any other matters required by such rules and regulations as the Secretary of Commerce and Labor may prescribe. The head of each Department or independent office shall have power, however, to charge a special official with the duty of making such reports. [35 Stat. L. 557.]

SEC. 4. [*Affidavit filed in case of death — time limit — physician's certificate — affidavit in case of injury — determining compensation.*] That in the case of any accident which shall result in death, the persons entitled to compensation under this Act or their legal representatives shall, within ninety days after such death, file with the Secretary of Commerce and Labor an affidavit setting forth their relationship to the deceased and the ground of their claim for compensation under the provisions of this Act. This shall be accompanied by the certificate of the attending physician setting forth the fact and cause of death, or the nonproduction of the certificate shall be satisfactorily accounted for. In the case of incapacity for work lasting more than fifteen days, the injured party desiring to take the benefit of this Act shall, within a reasonable period after the expiration of such time, file with his official superior, to be forwarded through regular official channels to the Secretary of Commerce and Labor, an affidavit setting forth the grounds of his claim for compensation, to be accompanied by a certificate of the attending physician as to the cause and nature of the injury and probable duration of the incapacity, or the nonproduction of the certificate shall be satisfactorily accounted for. If the Secretary of Commerce and Labor shall find from the report and affidavit or other evidence produced by the claimant or his or her legal representatives, or from such additional investigation as the Secretary of Commerce and Labor may direct, that a claim for compensation is established under this Act, the compensation to be paid shall be determined as provided under this Act and approved for payment by the Secretary of Commerce and Labor. [35 Stat. L. 557.]

SEC. 5. [*Medical examination.*] That the employee shall, whenever and as often as required by the Secretary of Commerce and Labor, at least once in six months, submit to medical examination, to be provided and paid for under the direction of the Secretary, and if such employee refuses to submit to or obstructs such examination his or her right to compensation shall be lost for the period covered by the continuance of such refusal or obstruction. [35 Stat. L. 557.]

SEC. 6. [*Payments to beneficiaries, etc.*] That payments under this Act are only to be made to the beneficiaries or their legal representatives other than assignees, and shall not be subject to the claims of creditors. [35 Stat. L. 557.]

SEC. 7. [*Contracts exempting from liability void.*] That the United States shall not exempt itself from liability under this Act by any contract, agreement, rule, or regulation, and any such contract, agreement, rule, or regulation shall be pro tanto void. [35 Stat. L. 558.]

SEC. 8. [*Repeal.*] That all Acts or parts of Acts in conflict herewith or providing a different scale of compensation or otherwise regulating its payment are hereby repealed. [35 Stat. L. 558.]

LAND OFFICES.

See *PUBLIC LANDS*.

LARCENY.

See *PENAL LAWS*.

LIFE SAVING.

Act of April 19, 1906, Ch. 1640, 333.

Sec. 1. Life-saving Service — Station Established Near Neah Bay, Wash., 333.

2. First-class Ocean-going Tug, 333.

3. Regulations, 333.

Act of June 19, 1906, Ch. 8481, 334.

Life-saving Service — Station Established at Greenhill, R. I., 334.

Act of March 26, 1908, Ch. 99, 334.

Sec. 1. Life-saving Service — District Superintendents, etc. — Compensation Increased, 334.

2. Rations, 334.

3. Death of Keeper or Member of Crew — Provision for Dependents, 334.

4. Repeal, 335.

Act of May 27, 1908, Ch. 200, 335.

Computing Pay of Surfmen, 335.

Act of Dec. 11, 1908, Ch. 1, 335.

Life-saving Stations — Books from Treasury Department Library to Be Transferred to, 335.

CROSS-REFERENCE.

Appliances on Steam Vessels, see STEAM VESSELS.

An Act Providing for the establishment of a life-saving station at or near Neah Bay, in the State of Washington, and for the construction of a first-class ocean-going tug to be used in connection therewith, for life-saving purposes in the vicinity of the north Pacific coast of the United States, and so forth.

[*Act of April 19, 1906, ch. 1640, 34 Stat. L. 123.*]

[**SEC. 1.**] [*Life-saving service — station established near Neah Bay, Wash.*] That the Secretary of the Treasury be, and is hereby, authorized to establish a life-saving station at or near Neah Bay, in the State of Washington, at such point as the general superintendent of the Life-Saving Service may recommend, said station, in addition to the usual equipment, to be supplied with two self-righting and self-bailing lifeboats, at a cost not to exceed thirty thousand dollars. [*34 Stat. L. 123.*]

SEC. 2. [*First-class ocean-going tug.*] That there shall be constructed, for and under the supervision of the Revenue-Cutter Service, a first-class ocean-going tug, for service in saving life and property in the vicinity of the north Pacific coast of the United States, which said tug shall be equipped with wireless-telegraph apparatus, surfboats, and such other modern life and property saving appliances as may be deemed useful in assisting vessels and rescuing persons and property from the perils of the sea at a cost not to exceed one hundred and seventy thousand dollars. [*34 Stat. L. 123.*]

SEC. 3. [*Regulations.*] That said tug shall be manned and operated by the Revenue-Cutter Service, and, under such regulations as the Secretary of the Treasury may prescribe, shall cooperate with the life-saving station hereby authorized to be established. [*34 Stat. L. 123.*]

An Act To provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island.

[Act of June 19, 1906, ch. 3431, 34 Stat. L. 298.]

[*Life-saving service — station established at Greenhill, R. I.*] That there be established a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases. [34 Stat. L. 298.]

An Act To increase the efficiency of the personnel of the Life-Saving Service of the United States.

[Act of March 26, 1908, ch. 99, 35 Stat. L. 46.]

[**Sec. 1.**] [*Life-saving service — district superintendents, etc. — compensation increased.*] That from and after the passage of this Act the compensation of district superintendents in the United States Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, two thousand two hundred dollars per annum each; for the superintendents of the third and ninth districts, two thousand dollars per annum each; for the superintendent of the eighth district, one thousand nine hundred dollars per annum. That the pay of keepers of life-saving stations shall be one thousand dollars per annum each, and that the pay of the number one surfman in each of the crews of the life-saving stations shall be at the rate of seventy dollars per month. [35 Stat. L. 46.]

Sec. 2. [Rations.] That every keeper of a life-saving station and every surfman in the Life-Saving Service of the United States shall be entitled to receive one ration per day or, in the discretion of the Secretary of the Treasury, commutation therefor at the rate of thirty cents per ration. [35 Stat. L. 46.]

Sec. 3. [Death of keeper or member of crew — provision for dependents.] That section eight of the Act of May fourth, eighteen hundred and eighty-two, entitled "An Act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

"**Sec. 8.** That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the Service; *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age

shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any." [35 Stat. L. 46.]

Section 8 of the Act of May 4, 1882, hereby amended, is given in 4 Fed. Stat. Annot. 819.

SEC. 4. [*Repeal.*] That all Acts or parts of Acts inconsistent herewith are hereby repealed. [35 Stat. L. 47.]

[*Computing pay of surfmen.*] * * * Hereafter the pay of surfmen in the Life-Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section six of the Act of June thirtieth, nineteen hundred and six, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven. [35 Stat. L. 321.]

This is from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

Section 6 of the Act of June 30, 1906, above referred to, is given *post*, under the title *PUBLIC OFFICERS.*

An Act To authorize the transfer of books from the Treasury Department library to life-saving stations of the United States.

[Act of Dec. 11, 1908, ch. 1, 35 Stat. L. 581.]

[*Life-saving stations — books from Treasury Department library to be transferred to.*] That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer, from time to time, from the Treasury Department library to the life-saving stations of the United States, such books as in his judgment may be no longer needed for use in said library. [35 Stat. L. 581.]

An Act To provide a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island.

[Act of June 19, 1906, ch. 3431, 34 Stat. L. 298.]

[*Life-saving service — station established at Greenhill, R. I.*] That there be established a life-saving station at or near Greenhill, on the coast of South Kingston, in the State of Rhode Island; and the Secretary of the Treasury is hereby required to provide for such establishment and supply the same with the necessary life-saving crew and furnishings as provided by law in like cases. [34 Stat. L. 298.]

An Act To increase the efficiency of the personnel of the Life-Saving Service of the United States.

[Act of March 26, 1908, ch. 99, 35 Stat. L. 46.]

[**SEC. 1.**] [*Life-saving service — district superintendents, etc. — compensation increased.*] That from and after the passage of this Act the compensation of district superintendents in the United States Life-Saving Service shall be as follows: For the superintendents of the first, second, fourth, fifth, sixth, seventh, tenth, eleventh, twelfth, and thirteenth districts, two thousand two hundred dollars per annum each; for the superintendents of the third and ninth districts, two thousand dollars per annum each; for the superintendent of the eighth district, one thousand nine hundred dollars per annum. That the pay of keepers of life-saving stations shall be one thousand dollars per annum each, and that the pay of the number one surfman in each of the crews of the life-saving stations shall be at the rate of seventy dollars per month. [35 Stat. L. 46.]

SEC. 2. [*Rations.*] That every keeper of a life-saving station and every surfman in the Life-Saving Service of the United States shall be entitled to receive one ration per day or, in the discretion of the Secretary of the Treasury, commutation therefor at the rate of thirty cents per ration. [35 Stat. L. 46.]

SEC. 3. [*Death of keeper or member of crew — provision for dependents.*] That section eight of the Act of May fourth, eighteen hundred and eighty-two, entitled "An Act to promote the efficiency of the Life-Saving Service and to encourage the saving of life from shipwreck," is hereby amended to read as follows:

"**SEC. 8.** That if any keeper or member of a crew of a life-saving station shall hereafter die by reason of perilous service or any wound or injury received or disease contracted in the Life-Saving Service in the line of duty, leaving a widow, or a child or children under sixteen years of age, or a dependent mother, such widow and child or children and dependent mother shall be entitled to receive, in equal portions, during a period of two years, under such regulations as the Secretary of the Treasury may prescribe, the same amount, payable quarterly as far as practicable, that the husband or father or son would be entitled to receive as pay if he were alive and continued in the Service; *Provided*, That if the widow shall remarry at any time during the said two years her portion of said amount shall cease to be paid to her from the date of her remarriage, but shall be added to the amount to be paid to the remaining beneficiaries under the provisions of this section, if there be any; and if any child shall arrive at the age of sixteen years during the said two years, the portion of such child shall cease to be paid to such child from the date on which such age

shall be attained, but shall be added to the amount to be paid to the remaining beneficiaries, if there be any." [35 Stat. L. 46.]

Section 8 of the Act of May 4, 1882, hereby amended, is given in 4 Fed. Stat. Annot. 819.

SEC. 4. [Repeal.] That all Acts or parts of Acts inconsistent herewith are hereby repealed. [35 Stat. L. 47.]

[Computing pay of surfmen.] * * * Hereafter the pay of surfmen in the Life-Saving Service shall be computed according to the number of days in each month, respectively, and not as required by section six of the Act of June thirtieth, nineteen hundred and six, making appropriations for the sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven. [35 Stat. L. 321.]

This is from the Sundry Civil Appropriation Act of May 27, 1903, ch. 200.

Section 6 of the Act of June 30, 1906, above referred to, is given post, under the title PUBLIC OFFICERS.

An Act To authorize the transfer of books from the Treasury Department library to life-saving stations of the United States.

[Act of Dec. 11, 1903, ch. 1, 35 Stat. L. 531.]

[Life-saving stations—books from Treasury Department library to be transferred to.] That the Secretary of the Treasury be, and he is hereby, authorized, in his discretion, to transfer, from time to time, from the Treasury Department library to the life-saving stations of the United States, such books as in his judgment may be no longer needed for use in said library. [35 Stat. L. 531.]

LIGHTS AND BUOYS.

Act of June 20, 1906, Ch. 3447, 336.

Sec. 3. Maintenance of Unauthorized Lights, Unlawful — Penalty, 336.

Act of Feb. 26, 1907, Ch. 1638, 336.

Sec. 6. Traveling Expenses of Army and Navy Officers, 336.

Act of May 14, 1908, Ch. 168, 337.

Sec. 5. Bridge Lights — Violation of Regulations — Penalty, 337.

6. Obstruction to Navigation Forbidden — Penalty, 337.

7. Report on Discontinuance of Lights, etc., 337.

8. Tenders, etc. — Draftsmen, 337.

9. Keepers, etc. — Ration, 337.

Act of March 4, 1909, Ch. 299, 337.

New Machinery or Equipment — Competitive Bids Required, 337.

CROSS-REFERENCE.

See also *COLLISIONS*.

SEC. 3. [*Maintenance of unauthorized lights, unlawful — penalty.*] That after the first day of January, nineteen hundred and seven, it shall be unlawful for any person, company, corporation, or municipality not under the control of the Light-House Board, to establish, erect, or maintain in the navigable waters of the United States any light as an aid to navigation, or any other aid to navigation similar to any of those maintained by the United States under the control and direction of the Light-House Board, without first obtaining permission so to do from the Light-House Board, in accordance with rules and regulations to be established by the Secretary of Commerce and Labor; and any person violating the provisions of this section or any of the rules and regulations established by the Secretary of Commerce and Labor in accordance herewith shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of one hundred dollars for each offense, and each day during which such violation shall continue shall be considered as a new offense. [*34 Stat. L. 324.*]

This is from the Act of June 20, 1906, ch. 3447, "to authorize additional aids to navigation in the Light-House Establishment."

SEC. 6. [*Traveling expenses of army and navy officers.*] That hereafter officers of the Army and Navy detailed for service in connection with the Light-House Establishment shall be paid their actual traveling expenses when traveling under orders on official duty to and from points which can not be conveniently reached by vessel or railroad. [*34 Stat. L. 997.*]

This is from the Light-House Establishment Act of Feb. 26, 1907, ch. 1638.

SEC. 5. [*Bridge lights — violation of regulations — penalty.*] That any person, firm, company, or corporation required by law to maintain a light or lights upon any bridge or abutments over or in any navigable waters, who shall fail or refuse to maintain such light or lights, or to obey any of the lawful rules and regulations relating to the same, shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of one hundred dollars for each offense, and each day during which such violation shall continue shall be considered as a new offense. [35 Stat. L. 162.]

SEC. 6. [*Obstruction to navigation forbidden — penalty.*] That it shall be unlawful for any person to obstruct or interfere with any aid to navigation established or maintained in the Light-House Establishment under the Light-House Board, or to anchor any vessel in any of the navigable waters of the United States so as to obstruct or interfere with range lights maintained therein, and any person violating the provisions of this section shall be deemed guilty of a misdemeanor and be subject to a fine not exceeding the sum of five hundred dollars for each offense, and each day during which such violation shall continue shall be considered as a new offense. [35 Stat. L. 162.]

SEC. 7. [*Report on discontinuance of lights, etc.*] That the Secretary of Commerce and Labor shall annually cause the Light-House Board to make a report to him for transmission to Congress of all aids to navigation in service which may be discontinued without distinct injury to the interests of navigation. [35 Stat. L. 162.]

SEC. 8. [*Tenders, etc. — draftsmen.*] That the Light-House Board is authorized to employ temporarily at Washington, not exceeding three draftsmen, to be paid at current rates, to prepare plans for the tenders and light vessels authorized by this Act and to be paid from the respective appropriations therefor, such employment to terminate on or before the date when the plans for such tenders and vessels shall be finished and proposals for building them respectively are invited by advertisements. [35 Stat. L. 162.]

SEC. 9. [*Keepers, etc. — ration.*] That every light-house keeper and assistant light-house keeper in the Light-House Establishment of the United States shall be entitled to receive one ration per day or, in the discretion of the Light-House Board, commutation therefor at the rate of thirty cents per ration. [35 Stat. L. 163.]

The above sections 5-9 are from the Act of May 14, 1908, ch. 168, "to authorize additional aids to navigation in the Light-House Establishment." Sections 1-4 are special.

[*New machinery or equipment — competitive bids required.*] * * * That hereafter any and all proposals for bids for any new machinery or other new equipment necessary in the repair of any vessel in the Light-House Service shall be on specifications prepared and submitted that will secure competition in the bids for furnishing such machinery or equipment. [35 Stat. L. 973.]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

LIQUORS.

See *FOOD AND DRUGS; INTERNAL REVENUE.*

LOTTERIES.

See *PENAL LAWS.*

MANSLAUGHTER.

See *PENAL LAWS.*

MARINE COURTS.

See *NAVY.*

MARINE PARADES.

See *SHIPPING AND NAVIGATION.*

MARSHALS.

See *JUDICIAL OFFICERS; JUDICIARY.*

MASTER AND SERVANT.

Compensation to Injured Government Employees, see LABOR.
Service Hours of Railroad Employees Restricted, see RAILROADS.
Liability for Injury to Railroad Employees, see RAILROADS.

MEAT AND MEAT INSPECTION.

See *ANIMALS*.

MEDALS.

Act of June 29, 1906, Ch. 3614.

Sec. 1. War with Spain and in Philippines — Bronze Medals to Volunteers.

2. Appropriation.

Resolution No. 17 of Feb. 27, 1907.

Medals of Honor — Surrendered Medals to Be Returned to Holders of — Restriction.

An Act Providing medals for certain persons.

[Act of June 29, 1906, ch. 3614, 34 Stat. L. 621.]

[SEC. 1.] [*War with Spain and in Philippines — bronze medals to volunteers.*] That the Secretary of War be, and he is hereby, authorized and directed to procure a bronze medal, with suitable device, to be presented to each of the several officers and enlisted men and families of such as may be dead, who, having volunteered and enlisted under the calls of the President for the war with Spain, served beyond the term of their enlistment to help to suppress the Philippine insurrection, and who subsequently received an honorable discharge from the Army of the United States, or who died prior to such discharge. [34 Stat. L. 621.]

SEC. 2. [*Appropriation.*] That the sum of five thousand dollars is hereby appropriated, out of any funds in the Treasury of the United States not otherwise appropriated, for the purpose of carrying this Act into effect. [34 Stat. L. 621.]

Joint Resolution Relating to the holders of medals of honor.

[Res. No. 17 of Feb. 27, 1907, 34 Stat. L. 1422.]

[*Medals of honor — surrendered medals to be returned to holders of — restriction.*] That the holders of medals of honor under the Act approved July twelfth, eighteen hundred and sixty-two, and section six of the Act approved March third, eighteen hundred and sixty-three, shall not be required to surrender such medals in case such medals are replaced, in pursuance of the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four; and that wherever the holders of such medals of honor have surrendered them, in order to receive the medals provided for by said Act approved April twenty-third, nineteen hundred and four, such medals shall be returned to them: *Provided*, That no recipient of both medals shall wear both medals at the same time. [34 Stat. L. 1422.]

For the Act of April 23, 1904, above mentioned, see 10 Fed. Stat. Annot. 222.

MEDICAL CORPS.

See *WAR DEPARTMENT AND MILITARY ESTABLISHMENT.*

MERCHANT VESSELS.

See *OFFICERS OF MERCHANT VESSELS; SHIPPING AND NAVIGATION.*

MESA VERDE NATIONAL PARK.

See *PUBLIC PARKS.*

MILITARY ACADEMY.

Act of May 28, 1908, Ch. 214, 340.

Sec. 1. Band and Field Musicians — Pay — Music Outside Military Reservation,

340.

Technical Supplies — Purchase by Contract or Otherwise, 341.

Four Filipinos Received for Instruction, 341.

Act of March 4, 1909, Ch. 300, 341.

Board of Visitors — Composed of Members of Committees on Military Affairs of Both Houses — Annual Visit — Actual Expenses, 341.

[SEC. 1.] *[Band and field musicians — pay — music outside military reservation.]* * * * Hereafter the monthly pay during the first enlistment of enlisted men of the band and field musicians of the United States Military Academy shall be as hereinbefore stated, and the continuous service pay of all grades shall be the same as provided in the Act approved May eleventh, nineteen hundred and eight, entitled "An Act making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine:" *Provided*, That the band or members thereof and the field musicians of the Military Academy shall not receive remuneration for furnishing music outside the limits of the military reservation when the furnishing of such music places them in competition with local civilian musicians. [35 Stat. L. 431.]

This and the two paragraphs following are from the Military Academy Appropriation Act of May 28, 1908, ch. 214.

For the pay provisions in the Act of May 11, 1908, above referred to, see *WAR DEPARTMENT AND MILITARY ESTABLISHMENT.*

[*Technical supplies — purchase by contract or otherwise.*] * * * That all technical and scientific supplies for the departments of instruction of the Military Academy shall be purchased by contract or otherwise, as the Secretary of War may deem best. [35 Stat. L. 439.]

[*Four Filipinos received for instruction.*] * * * The Secretary of War is hereby authorized to permit not exceeding four Filipinos, to be designated, one for each class, by the Philippine Commission, to receive instruction at the United States Military Academy at West Point: *Provided*, That the Filipinos undergoing instruction, as herein authorized, shall receive the same pay, allowances, and emoluments as are authorized by law for cadets at the Military Academy appointed from the United States, to be paid out of the same appropriations: *And provided further*, That said Filipinos undergoing instruction on graduation shall be eligible only to commissions in the Philippine Scouts. And the provisions of section thirteen hundred and twenty-one, Revised Statutes, are modified in the case of the Filipinos undergoing instruction, so as to require them to engage to serve for eight years, unless sooner discharged, in the Philippine Scouts. [35 Stat. L. 441.]

[*Board of visitors — composed of members of committees of military affairs of both houses — annual visit — actual expenses.*] * * * That hereafter the Board of Visitors to the Military Academy shall consist of five members of the Committee on Military Affairs of the Senate and seven members of the Committee on Military Affairs of the House of Representatives, to be appointed by the respective chairmen thereof, who shall annually visit the Military Academy on such date or dates as may be fixed by the chairmen of the said committees; and the superintendent of the academy and the members of the Board of Visitors shall be notified of such date by the chairmen of the said committees, acting jointly, at least fifteen days before the meeting. The expenses of the members of the board shall be their actual expenses while engaged upon their duties as members of said board, and their actual expenses for travel by the shortest mail routes: *Provided further*, That so much of sections thirteen hundred and twenty-seven, thirteen hundred and twenty-eight, and thirteen hundred and twenty-nine, Revised Statutes of the United States, as is inconsistent with the provisions of this Act, is hereby repealed. [35 Stat. L. 1033.]

This is from the Military Academy Appropriation Act of March 4, 1909, ch. 300. An identical provision is contained in the Act of May 23, 1908, ch. 214, 35 Stat. L. 436.

R. S. secs. 1327, 1328, and 1329, above mentioned, are given in 4 Fed. Stat. Annot. 883.

MILITARY ESTABLISHMENT.

See *WAR DEPARTMENT AND MILITARY ESTABLISHMENT.*

MILITARY RESERVATIONS.

Act of June 9, 1906, Ch. 3066.

*Fort Shaw Reservation, Mont. — Disposal of Lands of Abandoned —
Reservation for Indian School — Withdrawal under Reclamation Act.*

An Act To provide for the disposition under the public land laws of the lands in the abandoned Fort Shaw Military Reservation, Montana.

[Act of June 9, 1906, ch. 3066, 34 Stat. L. 228.]

[Fort Shaw Reservation, Mont. — disposal of lands of abandoned — reservation for Indian school — withdrawal under reclamation Act.] That the Secretary of the Interior is hereby authorized to dispose of the lands in the abandoned Fort Shaw Military Reservation, in Montana, under the provisions of the public land laws, and the public land surveys shall be extended over the lands therein: *Provided*, That he may reserve for Indian school purposes the following-described lands in township twenty north, range two west, Montana principal meridian, as determined by the extension of the public surveys: That portion of section two lying south of Sun River, all of sections eleven, fourteen, and twenty-three, and that portion of section twenty-six lying within the present reservation boundary: *Provided further*, That before opening the reservation to entry, the Secretary of the Interior may withdraw any other lands therein needed in connection with an irrigation project under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, for use or disposition thereunder. [34 Stat. L. 228.]

The Reclamation Act of June 17, 1902, is given in 7 Fed. Stat. Annot. 1101.

MILITARY SCHOOLS.

See *EDUCATION*.

MILITIA.

Act of June 22, 1906, Ch. 3515, 343.

- Sec. 1. R. S. sec. 1661 Amended — Annual Appropriation Increased, 343.*
- 2. Act of Feb. 12, 1887, sec. 2, Amended — Apportionment of Appropriation — Minimum Quota Required — Allowance for Encampment, etc., Expenses — Rifle Practice — Horses, etc., 344.*
- 3. Sec. 3 of Act of Feb. 12, 1887, Amended — Purchase of Arms, etc., and Accountability — National Guard, District of Columbia, Added, 344.*
- 4. Sec. 4 of Act of Feb. 12, 1887, Amended — Disposal of Unservicable Arms, etc. — Surveying Officer — Decision as to Accountability — Sales, etc., 344.*

Act of March 2, 1907, Ch. 2507, 345.

- Sec. 1. Issue of Guns for Permanent Militia Camping Grounds, Repealed — Present Issues Not Affected, 345.*

Resolution of Jan. 16, 1908, No. 4, 345.

- Organized Militia — Time Extended to, in Which to Conform to General Army Regulations, 345.*

Act of May 27, 1908, Ch. 204, 346.

- Sec. 1. Composition of — Applies Only to Land Force, 346.*
- 2. Organized Militia, 346.*
- 3. When Militia to Be Called into Service, 347.*
- 4. Term of Service, 347.*
- 5. Mustering in, 347.*
- 6. Courts-martial, 348.*
- 7. Commencement of Pay, 348.*
- 8. Issue of Arms, Equipment, etc., 348.*
- 9. Participation in Regular Army Encampments, etc., 349.*
- 10. Allowance to Militia Officers and Enlisted Men at Military Schools, 349.*
- 11. Assignment of Army Officers or Enlisted Men for Duty with Militia, 350.*

CROSS-REFERENCE.

See also **WAR DEPARTMENT AND MILITARY ESTABLISHMENT.**

An Act To increase the efficiency of the militia and promote rifle practice.

[Act of June 22, 1906, ch. 3515, 34 Stat. L. 449.]

[SEC. 1.] [R. S. sec. 1661 amended.] That section sixteen hundred and sixty-one of the Revised Statutes, as amended by the Acts of February twelfth, eighteen hundred and eighty-seven, and June sixth, nineteen hundred, is hereby amended and reenacted so as to read as follows:

“SECTION 1. [Annual appropriation increased.] That the sum of two million dollars is hereby annually appropriated, to be paid out of any money in the Treasury not otherwise appropriated, for the purpose of providing arms, ordnance stores, quartermaster stores, and camp equipage for issue to the militia, such appropriation to remain available until expended.” [34 Stat. L. 449.]

Section 1 of R. S. sec. 1661, as amended by the Act of Feb. 12, 1887, is given in 4 Fed. Stat. Annot. 699.

SEC. 2. [*Act of Feb. 12, 1887, sec. 2, amended.*] That section two of the Act of February twelfth, eighteen hundred and eighty-seven, is hereby amended and reenacted, so as to read as follows:

"SEC. 2. [*Apportionment of appropriation — minimum quota required — allowance for encampment, etc., expenses — rifle practice — horses, etc.*] That said appropriation shall be apportioned among the several States and Territories, under the direction of the Secretary of War, according to the number of Senators and Representatives to which each State respectively is entitled in the Congress of the United States, and to the Territories and District of Columbia such proportion and under such regulations as the President may prescribe: *Provided, however,* That no State shall be entitled to the benefits of the appropriation apportioned to it unless the number of its regularly enlisted, organized, and uniformed active militia shall be at least one hundred men for each Senator and Representative to which such State is entitled in the Congress of the United States. And the amount of said appropriation which is thus determined not to be available shall be covered back into the Treasury: *Provided also,* That the sums so apportioned among the several States and Territories and the District of Columbia shall be available for the purposes named in section fourteen of the Act of January twenty-first, nineteen hundred and three, for the actual excess of expenses of travel in making the inspections therein provided for over the allowances made for the same by law; for the promotion of rifle practice, including the acquisition, construction, maintenance, and equipment of shooting galleries and suitable target ranges; for the hiring of horses and draft animals for the use of mounted troops, batteries, and wagons; for forage for the same and for such other incidental expenses in connection with encampments, maneuvers, and field instruction provided for in sections fourteen and fifteen of the said Act of January twenty-first, nineteen hundred and three, as the Secretary of War may deem necessary." [34 Stat. L. 449.]

Section 2 of the Act of Feb. 12, 1887, is given in 4 Fed. Stat. Annot. 899.

SEC. 3. [*Sec. 3 of Act of Feb. 12, 1887, amended.*] That section three of the Act of February twelfth, eighteen hundred and eighty-seven, is hereby amended and reenacted as follows:

"SEC. 3. [*Purchase of arms, etc., and accountability — National Guard, District of Columbia, added.*] That the purchase or manufacture of arms, ordnance stores, quartermaster stores, and camp equipage for the militia under the provisions of this Act shall be made under the direction of the Secretary of War, as such arms, ordnance and quartermaster stores, and camp equipage are now manufactured or otherwise provided for the use of the Regular Army, and they shall be receipted for and shall remain the property of the United States, and be annually accounted for by the governors of the States and Territories and by the commanding general of the National Guard of the District of Columbia, for which purpose the Secretary of War shall prescribe and supply the necessary blanks and make such regulations as he may deem necessary to protect the interests of the United States." [34 Stat. L. 450.]

Section 3 of the Act of Feb. 12, 1887, is given in 4 Fed. Stat. Annot. 899.

SEC. 4. [*Sec. 4 of Act of Feb. 12, 1887, amended.*] That section four of the Act of February twelfth, eighteen hundred and eighty-seven, is hereby amended so as to read as follows:

"SEC. 4. [*Disposal of unserviceable arms, etc. — surveying officer — decision as to accountability — sales, etc.*] That whenever any property furnished to any State or Territory, or the District of Columbia, as hereinbefore provided,

has been lost or destroyed, or has become unserviceable or unsuitable from use in service, or from any other cause, it shall be examined by a disinterested surveying officer of the organized militia, to be appointed by the governor of the State or Territory, or the commanding general of the National Guard of the District of Columbia, to whom the property has been issued, and his report shall be forwarded by said governor or commanding general direct to the Secretary of War, and if it shall appear to the Secretary of War from the record of survey that the property has been lost or destroyed through unavoidable causes, he is hereby authorized to relieve the State from further accountability therefor; if it shall appear that the loss or destruction of property was due to carelessness or neglect or that its loss could have been avoided by the exercise of reasonable care, the money value thereof shall be charged against the allotment to the States under section sixteen hundred and sixty-one of the Revised Statutes as amended. If the articles so surveyed are found to be unserviceable or unsuitable, the Secretary of War shall direct what disposition, by sale or otherwise, shall be made of them, except unserviceable clothing which shall be destroyed, and if sold the proceeds of such sale shall be covered into the Treasury of the United States." [34 Stat. L. 450.]

Section 4 of the Act of Feb. 12, 1887, is given in 4 Fed. Stat. Annot. 899.

[SEC. 1.] [*Issue of guns for permanent militia camping grounds, repealed — present issues not affected.*] * * * Section two of the Act approved May nineteenth, eighteen hundred and eighty-two, authorizing the Secretary of War to issue, on the requisition of the governor of a State bordering on the sea or Gulf coast, and having a permanent camping ground for the encampment of the militia not less than six days annually, two heavy guns and four mortars, with carriages and platforms, for their instruction, and for the construction of a suitable battery for the cannon so issued, and appropriating five thousand dollars for each State to carry out the above-mentioned objects, is hereby repealed: *Provided*, That this repeal shall not affect the existing law regarding the disposition of the cannon and other stores already issued. [34 Stat. L. 1060.]

This is from the Fortifications Appropriation Act of March 2, 1907, ch. 2507.
Section 2 of the Act of May 19, 1882, is given in 4 Fed. Stat. Annot. 900.

Joint Resolution Extending the time allowed the organized militia of the several States and Territories and the District of Columbia to conform to the provisions of section three of the Act approved January twenty-first, nineteen hundred and three.

[Res. of Jan. 16, 1903, No. 4, 35 Stat. L. 566.]

[*Organized militia — time extended to, in which to conform to general army regulations.*] That the time allowed the organized militia of the several States and Territories and the District of Columbia in which to conform their organization, armament, and discipline to that which is now or may hereafter be prescribed for the regular and volunteer armies of the United States by section three of the Act approved January twenty-first, nineteen hundred and three, be, and is hereby, extended to January twenty-first, nineteen hundred and ten. [35 Stat. L. 566.]

For sec. 3 of the Act of Jan. 21, 1903, see *infra*, this title, p. 346.

An Act To further amend the Act entitled "An Act to promote the efficiency of the militia, and for other purposes," approved January twenty-first, nineteen hundred and three.

[Act of May 27, 1903, ch. 304, 35 Stat. L. 399.]

[SEC. 1.] [*Composition of — applies only to land force.*] That section one of said Act be, and is hereby, amended and reenacted to read as follows:

"SECTION 1. That the militia shall consist of every able-bodied male citizen of the respective States and Territories and the District of Columbia, and every able-bodied male of foreign birth who has declared his intention to become a citizen, who is more than eighteen and less than forty-five years of age, and shall be divided into two classes: The organized militia, to be known as the National Guard of the State, Territory, or District of Columbia, or by such other designations as may be given them by the laws of the respective States or Territories; the remainder to be known as the Reserve Militia: *Provided*, That the provisions of this Act and of section sixteen hundred and sixty-one, Revised Statutes, as amended, shall apply only to the militia organized as a land force." [35 Stat. L. 399.]

Section 1 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 227.

An enlisted man of the Ohio National Guard is a soldier of "the organized militia" as defined in the above section, and, as such, is

liable to trial and punishment by court martial as provided in the code of regulations of the Ohio National Guard and the articles of war of the United States as adopted in said code of regulations. *McGorray v. Murphy*, (Ohio 1909) 88 N. E. 881.

SEC. 2. [*Organized militia.*] That section three of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 3. That the regularly enlisted, organized, and uniformed active militia in the several States and Territories and the District of Columbia who have heretofore participated or shall hereafter participate in the apportionment of the annual appropriation provided by section sixteen hundred and sixty-one of the Revised Statutes of the United States, as amended, whether known and designated as National Guard, militia, or otherwise, shall constitute the organized militia. On and after January twenty-first, nineteen hundred and ten, the organization, armament, and discipline of the organized militia in the several States and Territories and the District of Columbia shall be the same as that which is now or may hereafter be prescribed for the Regular Army of the United States, subject in time of peace to such general exceptions as may be authorized by the Secretary of War: *Provided*, That in peace and war each organized division of militia may have one inspector of small-arms practice with the rank of lieutenant-colonel; each organized brigade of militia one inspector of small-arms practice with the rank of major; each regiment of infantry or cavalry of organized militia one assistant inspector of small-arms practice with the rank of captain, and each separate or unassigned battalion of infantry or engineers or squadron of cavalry of organized militia one assistant inspector of small-arms practice with the rank of first lieutenant: *Provided also*, That the President of the United States in time of peace may, by order, fix the minimum number of enlisted men in each company, troop, battery, signal corps, engineer corps, and hospital corps: *And provided further*, That any corps of artillery, cavalry, and infantry existing in any of the States at the passage of the Act of May eighth, seventeen hundred and ninety-two, which, by the laws, customs, or usages of the said States, have been in continuous existence since the passage of said Act, under its provisions and under the provisions of section two hundred and thirty-two and sections sixteen hundred and twenty-five to sixteen hundred and sixty, both inclusive, of title sixteen of the Revised Statutes of the United States, relating to the militia, shall be allowed to retain their

accustomed privileges, subject, nevertheless, to all other duties required by law, in like manner as the other militia." [35 Stat. L. 399.]

Section 3 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 227.

For R. S. sec. 232 see 2 Fed. Stat. Annot. 925. For R. S. secs. 1625-1660 see 4 Fed. Stat. Annot. 891-899. For R. S. sec. 1661 see 4 Fed. Stat. Annot. 899.

SEC. 3. [*When militia to be called into service.*] That section four of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 4. That whenever the United States is invaded or in danger of invasion from any foreign nation, or of rebellion against the authority of the Government of the United States, or the President is unable with the regular forces at his command to execute the laws of the Union, it shall be lawful for the President to call forth such number of the militia of the State or of the States or Territories or of the District of Columbia as he may deem necessary to repel such invasion, suppress such rebellion, or to enable him to execute such laws, and to issue his orders for that purpose, through the governor of the respective State or Territory, or through the commanding general of the militia of the District of Columbia, from which State, Territory, or District such troops may be called, to such officers of the militia as he may think proper." [35 Stat. L. 400.]

Section 4 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 228.

SEC. 4. [*Term of service.*] That section five of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 5. That whenever the President calls forth the organized militia of any State, Territory, or of the District of Columbia, to be employed in the service of the United States, he may specify in his call the period for which such service is required, and the militia so called shall continue to serve during the term so specified, either within or without the territory of the United States, unless sooner relieved by order of the President: *Provided*, That no commissioned officer or enlisted man of the organized militia shall be held to service beyond the term of his existing commission or enlistment: *Provided further*, That when the military needs of the Federal Government arising from the necessity to execute the laws of the Union, suppress insurrection, or repel invasion, can not be met by the regular forces, the organized militia shall be called into the service of the United States in advance of any volunteer force which it may be determined to raise." [35 Stat. L. 400.]

Section 5 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 228.

SEC. 5. [*Mustering in.*] That section seven of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 7. That every officer and enlisted man of the militia who shall be called forth in the manner hereinbefore prescribed, shall be mustered for service without further enlistment, and without further medical examination previous to such muster, except for those States and Territories which have not adopted the standard of medical examination prescribed for the Regular Army: *Provided, however*, That any officer or enlisted man of the militia who shall refuse or neglect to present himself for such muster, upon being called forth as herein prescribed, shall be subject to trial by court-martial and shall be punished as such court-martial may direct." [35 Stat. L. 401.]

Section 7 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 229.

"SEC. 16. That whenever any officer or enlisted man of the organized militia shall upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia militia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army, the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction." [35 Stat. L. 406.]

Section 16 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 230.

SEC. 11. [*Assignment of army officers or enlisted men for duty with militia.*] That section twenty of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 20. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

"The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report." [35 Stat. L. 403.]

Section 20 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 231.

MINERAL LANDS, MINES, AND MINING.

Act of Feb. 24, 1909, Ch. 180.

Mineral Land Surveys — Refund of Unused Deposit.

CROSS-REFERENCES.

In Alaska, see ALASKA, Hydraulic Mining — California Debris Commission, see WATERS (INCLUDING IRRIGATION).

An Act For relief of applicants for mineral surveys.

[Act of Feb. 24, 1909, ch. 180, 35 Stat. L. 645.]

[*Mineral land surveys — refund of unused deposit.*] That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of the United States surveyors-general in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the surveyor-general of the district in which the mineral land surveyed, or sought to be surveyed is situated and approved by the Commissioner of the General Land Office. [35 Stat. L. 645.]

MINES.

See *MINERAL LANDS, MINES, AND MINING.*

MINTS.

See *COINAGE, MINTS, AND ASSAY OFFICES.*

"SEC. 16. That whenever any officer or enlisted man of the organized militia shall upon the recommendation of the governor of any State, Territory, or the commanding general of the District of Columbia militia, and when authorized by the President, attend and pursue a regular course of study at any military school or college of the United States, such officer or enlisted man shall receive from the annual appropriation for the support of the Army, the same travel allowances and quarters or commutation of quarters to which an officer or enlisted man of the Regular Army would be entitled for attending such school or college under orders from proper military authority; such officer shall also receive commutation and subsistence at the rate of one dollar per day and each enlisted man such subsistence as is furnished to an enlisted man of the Regular Army while in actual attendance upon a course of instruction." [35 Stat. L. 402.]

Section 16 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 230.

SEC. 11. [*Assignment of army officers or enlisted men for duty with militia.*] That section twenty of said Act as amended be, and the same is hereby, amended and reenacted so as to read as follows:

"SEC. 20. That upon the application of the governor of any State or Territory furnished with material of war under the provisions of this Act, or former laws of Congress, the Secretary of War may, in his discretion, detail one or more officers or enlisted men of the Army to report to the governor of such State or Territory for duty in connection with the organized militia. All such assignments may be revoked at the request of the governor of such State or Territory or at the pleasure of the Secretary of War. The Secretary of War is hereby authorized to appoint a board of five officers on the active list of the organized militia so selected as to secure, as far as practicable, equitable representation to all sections of the United States, and which shall, from time to time, as the Secretary of War may direct, proceed to Washington, District of Columbia, for consultation with the Secretary of War respecting the condition, status, and needs of the whole body of the organized militia. Such officers shall be appointed for the term of four years unless sooner relieved by the Secretary of War.

"The actual and necessary traveling expenses of the members of the board, together with a per diem to be established by the Secretary of War, shall be paid to the members of the board. The expenses herein authorized, together with the necessary clerical and office expenses of the division of militia affairs in the office of the Secretary of War, shall constitute a charge against the whole sum annually appropriated under section sixteen hundred and sixty-one, Revised Statutes, as amended, and shall be paid therefrom, and not from the allotment duly apportioned to any particular State, Territory, or the District of Columbia; and a list of such expenses shall be submitted to Congress annually by the Secretary of War in connection with his annual report." [35 Stat. L. 403.]

Section 20 of the Act of Jan. 21, 1903, as originally enacted, is given in 10 Fed. Stat. Annot. 231.

MINERAL LANDS, MINES, AND MINING.

Act of Feb. 24, 1909, Ch. 180.

Mineral Land Surveys — Refund of Unused Deposit.

CROSS-REFERENCES.

In Alaska, see ALASKA.

Hydraulic Mining — California Debris Commission, see WATERS (INCLUDING IRRIGATION).

An Act For relief of applicants for mineral surveys.

[Act of Feb. 24, 1909, ch. 180, 35 Stat. L. 645.]

[*Mineral land surveys — refund of unused deposit.*] That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of the moneys heretofore or hereafter covered into the Treasury from deposits made by individuals to cover cost of work performed and to be performed in the offices of the United States surveyors-general in connection with the survey of mineral lands, any excess in the amount deposited over and above the actual cost of the work performed, including all expenses incident thereto for which the deposits were severally made or the whole of any unused deposit; and such sums, as the several cases may be, shall be deemed to be annually and permanently appropriated for that purpose. Such repayments shall be made to the person or persons who made the several deposits, or to his or their legal representatives, after the completion or abandonment of the work for which the deposits were made, and upon an account certified by the surveyor-general of the district in which the mineral land surveyed, or sought to be surveyed is situated and approved by the Commissioner of the General Land Office. [35 Stat. L. 645.]

MINES.

See *MINERAL LANDS, MINES, AND MINING.*

MINTS.

See *COINAGE, MINTS, AND ASSAY OFFICES.*

MISBRANDING.

See *FALSE STAMPING; FOOD AND DRUGS.*

MISSISSIPPI RIVER.

See *RIVERS, HARBORS, AND CANALS.*

MONEY.

See *COINAGE, MINTS, AND ASSAY OFFICES; NATIONAL BANKS;
PUBLIC MONEYS.*

MONUMENTS.

See *ANTIQUITIES.*

MOTOR BOATS.

See *STEAM VESSELS.*

MURDER.

See *PENAL LAWS.*

NATIONAL BANKS.

Act of June 22, 1906, Ch. 3516, 353.

National Banks—Limit to Liabilities Persons May Incur, Increased, 353.

Act of March 4, 1907, Ch. 2918, 354.

Sec. 1. Currency Act—Gold Certificates Issued for Deposits of Gold Coin—Denomination Reduced—Suspension of Issue—On Reduction of Reserve Fund—On Increase of Silver Certificates, etc., in Treasury—Denominations of Outstanding Certificates—Large Notes, 354.

2. Treasury Notes—Issue when Deficiency Exists in Small Silver Certificates—Higher Denominations to Be Retired—Aggregate Amount—National Bank Issue Not Affected, 354.

3. R. S. Sec. 5153 Amended—National Banks—May Be Depositories of All Public Moneys—Statement of Securities Required—To Receive at Par All National Currency, Bills, etc.—Distribution of Deposits, 355.

4. Withdrawal of Circulating Notes, 355.

Act of May 30, 1908, Ch. 229, 355.

Sec. 1. National Currency Associations, 355.

2. Action if Members Fail to Maintain Redemption Fund, 357.

3. Additional Circulation by Banks, on Other than United States Bonds, 358.

4. Transfer of Title to Bonds Deposited to Secure Circulation, 358.

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12. Redemption in Lawful Money, 361.

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14. Designated Depositories Reserve Not to Include Public Deposits, 362.

15. Interest Payable on Special Deposits of Public Moneys, 362.

16. Appropriation, 362.

17. National Monetary Commission Created, 362.

18. Commission to Inquire as to Changes in Monetary System, etc.—Officials—Powers, 362.

19. Appropriation, 362.

20. Termination of Act, 363.

An Act To amend section fifty-two hundred, Revised Statutes of the United States, relating to national banks.

[Act of June 22, 1906, ch. 3516, 34 Stat. L. 451.]

[National banks—limit to liabilities persons may incur, increased.] That section fifty-two hundred of the Revised Statutes of the United States be, and the same is hereby, amended to read as follows:

“**Sec. 5200.** The total liabilities to any association, of any person, or of any company, corporation, or firm for money borrowed, including in the liabilities of a company or firm the liabilities of the several members thereof, shall at no time exceed one-tenth part of the amount of the capital stock of such

associations, actually paid in and unimpaired and one-tenth part of its unimpaired surplus fund: *Provided, however*, That the total of such liabilities shall in no event exceed thirty per centum of the capital stock of the association. But the discount of bills of exchange drawn in good faith against actually existing values, and the discount of commercial or business paper actually owned by the person negotiating the same shall not be considered as money borrowed." [34 Stat. L. 451.]

R. S. sec. 5200 is given in 5 Fed. Stat. Annot. 139.

An Act To amend the national banking Act, and for other purposes.

[Act of March 4, 1907, ch. 2013, 34 Stat. L. 1289.]

[SEC. 1.] [*Currency act — gold certificates issued for deposits of gold coin — denomination reduced — suspension of issue — on reduction of reserve fund — on increase of silver certificates, etc., in the Treasury — denominations of outstanding certificates — large notes.*] That section six of an Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and for other purposes, approved March fourteenth, nineteen hundred, be, and the same is hereby, amended to read as follows:

"SEC. 6. That the Secretary of the Treasury is hereby authorized and directed to receive deposits of gold coin with the Treasurer, or any assistant treasurer of the United States in sums of not less than twenty dollars, and to issue gold certificates therefor in denominations of not less than ten dollars, and the coin so deposited shall be retained in the Treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and all public dues, and when so received may be reissued, and when held by any national banking association may be counted as a part of its lawful reserve: *Provided*, That whenever and so long as the gold coin and bullion held in the reserve fund in the Treasury for the redemption of United States notes and Treasury notes shall fall and remain below one hundred million dollars the authority to issue certificates as herein provided shall be suspended: *And provided further*, That whenever and so long as the aggregate amount of United States notes and silver certificates in the general fund of the Treasury shall exceed sixty million dollars the Secretary of the Treasury may, in his discretion, suspend the issue of the certificates herein provided for: *And provided further*, That of the amount of such outstanding certificates one-fourth at least shall be in denominations of fifty dollars or less: *And provided further*, That the Secretary of the Treasury may, in his discretion, issue such certificates in denominations of ten thousand dollars, payable to order. And section fifty-one hundred and ninety-three of the Revised Statutes of the United States is hereby repealed." [34 Stat. L. 1289.]

Section 6 of the Act of March 14, 1900, above amended, is given in 2 Fed. Stat. Annot. 132. R. S. sec. 5193, above repealed, is given in 5 Fed. Stat. Annot. 125.

SEC. 2. [*Treasury notes — issue when deficiency exists in small silver certificates — higher denominations to be retired — aggregate amount — national bank issue not affected.*] That whenever and so long as the outstanding silver certificates of the denominations of one dollar, two dollars, and five dollars, issued under the provisions of section seven of an Act entitled "An Act to define and fix the standard of value, to maintain the parity of all forms of money issued or coined by the United States, to refund the public debt, and

for other purposes," approved March fourteenth, nineteen hundred, shall be, in the opinion of the Secretary of the Treasury, insufficient to meet the public demand therefor, he is hereby authorized to issue United States notes of the denominations of one dollar, two dollars, and five dollars, and upon the issue of United States notes of such denominations an equal amount of United States notes of higher denominations shall be retired and canceled: *Provided, however,* That the aggregate amount of United States notes at any time outstanding shall remain as at present fixed by law: *And provided further,* That nothing in this Act shall be construed as affecting the right of any national bank to issue one-third in amount of its circulating notes of the denomination of five dollars, as now provided by law. [34 Stat. L. 1289.]

Section 7 of the Act of March 14, 1900, is given in 2 Fed. Stat. Annot. 133.

SEC. 3. [*R. S. sec. 5153 amended — national banks — may be depositories of all public moneys — statement of securities required — to receive at par all national currency, bills, etc. — distribution of deposits.*] That section fifty-one hundred and fifty-three of the Revised Statutes be amended to read as follows:

"**Sec. 5153.** All national banking associations, designated for that purpose by the Secretary of the Treasury, shall be depositories of public money, under such regulations as may be prescribed by the Secretary; and they may also be employed as financial agents of the Government; and they shall perform all such reasonable duties, as depositories of public money and financial agents of the Government, as may be required of them. The Secretary of the Treasury shall require the associations thus designated to give satisfactory security, by the deposit of United States bonds and otherwise, for the safe-keeping and prompt payment of the public money deposited with them, and for the faithful performance of their duties as financial agents of the Government: *Provided,* That the Secretary shall, on or before the first of January of each year, make a public statement of the securities required during that year for such deposits. And every association so designated as receiver or depository of the public money shall take and receive at par all of the national currency bills, by whatever association issued, which have been paid into the Government for internal revenue, or for loans or stocks: *Provided,* That the Secretary of the Treasury shall distribute the deposits herein provided for, as far as practicable, equitably between the different States and sections." [34 Stat. L. 1290.]

R. S. sec. 5153, as it read prior to this amendment, is given in 5 Fed. Stat. Annot. 109.

SEC. 4. [*Withdrawal of circulating notes.*]

This section amended sec. 9 of the Act of July 12, 1882. By sec. 10 of the Act of May 30, 1908, ch. 229, given *infra*, p. 360, sec. 9 is further amended.

AN ACT TO amend the national banking laws.

[Act of May 30, 1908, ch. 229, 35 Stat. L. 546.]

[SEC. 1.] [*National currency associations.*] That national banking associations, each having an unimpaired capital and a surplus of not less than twenty per centum, not less than ten in number, having an aggregate capital and surplus of at least five millions of dollars, may form voluntary associations to be designated as national currency associations. The banks uniting to form such association shall, by their presidents or vice-presidents, acting under authority from the board of directors, make and file with the Secretary of the Treas-

ury a certificate setting forth the names of the banks composing the association, the principal place of business of the association, and the name of the association, which name shall be subject to the approval of the Secretary of the Treasury. Upon the filing of such certificate the associated banks therein named shall become a body corporate, and by the name so designated and approved may sue and be sued and exercise the powers of a body corporate for the purposes hereinafter mentioned: *Provided*, That not more than one such national currency association shall be formed in any city: *Provided further*, That the several members of such national currency association shall be taken, as nearly as conveniently may be, from a territory composed of a State or part of a State, or contiguous parts of one or more States: *And provided further*, That any national bank in such city or territory, having the qualifications herein prescribed for membership in such national currency association, shall, upon its application to and upon the approval of the Secretary of the Treasury, be admitted to membership in a national currency association for that city or territory, and upon such admission shall be deemed and held a part of the body corporate, and as such entitled to all the rights and privileges and subject to all the liabilities of an original member: *And provided further*, That each national currency association shall be composed exclusively of banks not members of any other national currency association.

The dissolution, voluntary or otherwise, of any bank in such association shall not affect the corporate existence of the association unless there shall then remain less than the minimum number of ten banks: *Provided, however*, That the reduction of the number of said banks below the minimum of ten shall not affect the existence of the corporation with respect to the assertion of all rights in favor of or against such association. The affairs of the association shall be managed by a board consisting of one representative from each bank. By-laws for the government of the association shall be made by the board, subject to the approval of the Secretary of the Treasury. A president, vice-president, secretary, treasurer, and an executive committee of not less than five members, shall be elected by the board. The powers of such board, except in the election of officers and making of by-laws, may be exercised through its executive committee.

The national currency association herein provided for shall have and exercise any and all powers necessary to carry out the purposes of this section, namely, to render available, under the direction and control of the Secretary of the Treasury, as a basis for additional circulation any securities, including commercial paper, held by a national banking association. For the purpose of obtaining such additional circulation, any bank belonging to any national currency association, having circulating notes outstanding secured by the deposit of bonds of the United States to an amount not less than forty per centum of its capital stock, and which has its capital unimpaired and a surplus of not less than twenty per centum, may deposit with and transfer to the association, in trust for the United States, for the purpose hereinafter provided, such of the securities above mentioned as may be satisfactory to the board of the association. The officers of the association may thereupon, in behalf of such bank, make application to the Comptroller of the Currency for an issue of additional circulating notes to an amount not exceeding seventy-five per centum of the cash value of the securities or commercial paper so deposited. The Comptroller of the Currency shall immediately transmit such application to the Secretary of the Treasury with such recommendation as he thinks proper, and if, in the judgment of the Secretary of the Treasury, business conditions in the locality demand additional circulation, and if he be satisfied with the character and value of the securities proposed and that a lien in favor of the United States

on the securities so deposited and on the assets of the banks composing the association will be amply sufficient for the protection of the United States, he may direct an issue of additional circulating notes to the association, on behalf of such bank, to an amount in his discretion, not, however, exceeding seventy-five per centum of the cash value of the securities so deposited: *Provided*, That upon the deposit of any of the State, city, town, county, or other municipal bonds, of a character described in section three of this Act, circulating notes may be issued to the extent of not exceeding ninety per centum of the market value of such bonds so deposited: *And provided further*, That no national banking association shall be authorized in any event to issue circulating notes based on commercial paper in excess of thirty per centum of its unimpaired capital and surplus. The term "commercial paper" shall be held to include only notes representing actual commercial transactions, which when accepted by the association shall bear the names of at least two responsible parties and have not exceeding four months to run.

The banks and the assets of all banks belonging to the association shall be jointly and severally liable to the United States for the redemption of such additional circulation; and to secure such liability the lien created by section fifty-two hundred and thirty of the Revised Statutes shall extend to and cover the assets of all banks belonging to the association, and to the securities deposited by the banks with the association pursuant to the provisions of this Act; but as between the several banks composing such association each bank shall be liable only in the proportion that its capital and surplus bears to the aggregate capital and surplus of all such banks. The association may, at any time, require of any of its constituent banks a deposit of additional securities or commercial paper, or an exchange of the securities already on deposit, to secure such additional circulation; and in case of the failure of such bank to make such deposit or exchange the association may, after ten days' notice to the bank, sell the securities and paper already in its hands at public sale, and deposit the proceeds with the Treasurer of the United States as a fund for the redemption of such additional circulation. If such fund be insufficient for that purpose the association may recover from the bank the amount of the deficiency by suit in the circuit court of the United States, and shall have the benefit of the lien hereinbefore provided for in favor of the United States upon the assets of such bank. The association or the Secretary of the Treasury may permit or require the withdrawal of any such securities or commercial paper and the substitution of other securities or commercial paper of equal value therefor. [35 Stat. L. 545-548.]

SEC. 2. [*Action if members fail to maintain redemption fund.*] That whenever any bank belonging to a national currency association shall fail to preserve or make good its redemption fund in the Treasury of the United States, required by section three of the Act of June twentieth, eighteen hundred and seventy-four, chapter three hundred and forty-three, and the provisions of this Act, the Treasurer of the United States shall notify such national currency association to make good such redemption fund, and upon the failure of such national currency association to make good such fund, the Treasurer of the United States may, in his discretion, apply so much of the redemption fund belonging to the other banks composing such national currency association as may be necessary for that purpose; and such national currency association may, after five days' notice to such bank, proceed to sell at public sale the securities deposited by such bank with the association pursuant to the provisions of section one of this Act, and deposit the proceeds with the Treasurer of the United

States as a fund for the redemption of the additional circulation taken out by such bank under this Act. [35 Stat. L. 548.]

SEC. 3. [*Additional circulation by banks, on other than United States bonds.*] That any national banking association which has circulating notes outstanding, secured by the deposit of United States bonds to an amount of not less than forty per centum of its capital stock, and which has a surplus of not less than twenty per centum, may make application to the Comptroller of the Currency for authority to issue additional circulating notes to be secured by the deposit of bonds other than bonds of the United States. The Comptroller of the Currency shall transmit immediately the application, with his recommendation, to the Secretary of the Treasury, who shall, if in his judgment business conditions in the locality demand additional circulation, approve the same, and shall determine the time of issue and fix the amount, within the limitations herein imposed, of the additional circulating notes to be issued. Whenever after receiving notice of such approval any such association shall deposit with the Treasurer or any assistant treasurer of the United States such of the bonds described in this section as shall be approved in character and amount by the Treasurer of the United States and the Secretary of the Treasury, it shall be entitled to receive, upon the order of the Comptroller of the Currency, circulating notes in blank, registered and countersigned as provided by law, not exceeding in amount ninety per centum of the market value, but not in excess of the par value of any bonds so deposited, such market value to be ascertained and determined under the direction of the Secretary of the Treasury.

The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept as security for the additional circulating notes provided for in this section, bonds or other interest-bearing obligations of any State of the United States, or any legally authorized bonds issued by any city, town, county, or other legally constituted municipality or district in the United States which has been in existence for a period of ten years, and which for a period of ten years previous to such deposit has not defaulted in the payment of any part of either principal or interest of any funded debt authorized to be contracted by it, and whose net funded indebtedness does not exceed ten per centum of the valuation of its taxable property, to be ascertained by the last preceding valuation of property for the assessment of taxes. The Treasurer of the United States, with the approval of the Secretary of the Treasury, shall accept, for the purposes of this section, securities herein enumerated in such proportions as he may from time to time determine, and he may with such approval at any time require the deposit of additional securities, or require any association to change the character of the securities already on deposit. [35 Stat. L. 548.]

SEC. 4. [*Transfer of title to bonds deposited to secure circulation.*] That the legal title of all bonds, whether coupon or registered, deposited to secure circulating notes issued in accordance with the terms of section three of this Act shall be transferred to the Treasurer of the United States in trust for the association depositing them, under regulations to be prescribed by the Secretary of the Treasury. A receipt shall be given to the association by the Treasurer or any assistant treasurer of the United States, stating that such bond is held in trust for the association on whose behalf the transfer is made, and as security for the redemption and payment of any circulating notes that have been or may be delivered to such association. No assignment or transfer of any such bond by the Treasurer shall be deemed valid unless countersigned by the Comptroller of the Currency. The provisions of sections fifty-one hundred and sixty-

three, fifty-one hundred and sixty-four, fifty-one hundred and sixty-five, fifty-one hundred and sixty-six, and fifty-one hundred and sixty-seven and sections fifty-two hundred and twenty-four to fifty-two hundred and thirty-four, inclusive, of the Revised Statutes respecting United States bonds deposited to secure circulating notes shall, except as herein modified, be applicable to all bonds deposited under the terms of section three of this Act. [35 Stat. L. 549.]

For R. S. secs. 5163-5167, see 5 Fed. Stat. Annot. 112, 113.

For R. S. secs. 5224-5234, see 5 Fed. Stat. Annot. 168, 170.

SEC. 5. [*Status of additional circulating notes.*] That the additional circulating notes issued under this Act shall be used, held, and treated in the same way as circulating notes of national banking associations heretofore issued and secured by a deposit of United States bonds, and shall be subject to all the provisions of law affecting such notes except as herein expressly modified: *Provided*, That the total amount of circulating notes outstanding of any national banking association, including notes secured by United States bonds as now provided by law, and notes secured otherwise than by deposit of such bonds, shall not at any time exceed the amount of its unimpaired capital and surplus: *And provided further*, That there shall not be outstanding at any time circulating notes issued under the provisions of this Act to an amount of more than five hundred millions of dollars. [35 Stat. L. 549.]

SEC. 6. [*Redemption fund.*] That whenever and so long as any national banking association has outstanding any of the additional circulating notes authorized to be issued by the provisions of this Act it shall keep on deposit in the Treasury of the United States, in addition to the redemption fund required by section three of the Act of June twentieth, eighteen hundred and seventy-four, an additional sum equal to five per centum of such additional circulation at any time outstanding, such additional five per centum to be treated, held, and used in all respects in the same manner as the original redemption fund provided for by said section three of the Act of June twentieth, eighteen hundred and seventy-four. [35 Stat. L. 550.]

For sec. 3 of the Act of June 20, 1874, see 5 Fed. Stat. Annot. 126.

SEC. 7. [*Proportional assignment of additional circulation to States.*] In order that the distribution of notes to be issued under the provisions of this Act shall be made as equitable as practicable between the various sections of the country, the Secretary of the Treasury shall not approve applications from associations in any State in excess of the amount to which such State would be entitled of the additional notes herein authorized on the basis of the proportion which the unimpaired capital and surplus of the national banking associations in such State bears to the total amount of unimpaired capital and surplus of the national banking associations of the United States: *Provided, however*, That in case the applications from associations in any State shall not be equal to the amount which the associations of such State would be entitled to under this method of distribution, the Secretary of the Treasury may, in his discretion, to meet an emergency, assign the amount not thus applied for to any applying association or associations in States in the same section of the country. [35 Stat. L. 550.]

SEC. 8. [*Information, etc., as to acceptable securities.*] That it shall be the duty of the Secretary of the Treasury to obtain information with reference to the value and character of the securities authorized to be accepted under the provisions of this Act, and he shall from time to time furnish information to

national banking associations as to such securities as would be acceptable under the provisions of this Act. [35 Stat. L. 550.]

SEC. 9. [Tax on circulation.] That section fifty-two hundred and fourteen of the Revised Statutes, as amended, be further amended to read as follows:

"SEC. 5214. National banking associations having on deposit bonds of the United States, bearing interest at the rate of two per centum per annum, including the bonds issued for the construction of the Panama Canal, under the provisions of section eight of 'An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans,' approved June twenty-eighth, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds; and such associations having on deposit bonds of the United States bearing interest at a rate higher than two per centum per annum shall pay a tax of one-half of one per centum each half year upon the average amount of such of its notes in circulation as are based upon the deposit of such bonds. National banking associations having circulating notes secured otherwise than by bonds of the United States shall pay for the first month a tax at the rate of five per centum per annum upon the average amount of such of their notes in circulation as are based upon the deposit of such securities, and afterwards an additional tax of one per centum per annum for each month until a tax of ten per centum per annum is reached, and thereafter such tax of ten per centum per annum, upon the average amount of such notes. Every national banking association having outstanding circulating notes secured by a deposit of other securities than United States bonds shall make monthly returns, under oath of its president or cashier, to the Treasurer of the United States, in such form as the Treasurer may prescribe, of the average monthly amount of its notes so secured in circulation; and it shall be the duty of the Comptroller of the Currency to cause such reports of notes in circulation to be verified by examination of the banks' records. The taxes received on circulating notes secured otherwise than by bonds of the United States shall be paid into the Division of Redemption of the Treasury and credited and added to the reserve fund held for the redemption of United States and other notes." [35 Stat. L. 550.]

For R. S. sec. 5214, as it read prior to this amendment, see 5 Fed. Stat. Annot. 155.

SEC. 10. [Retiring circulation.] That section nine of the Act approved July twelfth, eighteen hundred and eighty-two, as amended by the Act approved March fourth, nineteen hundred and seven, be further amended to read as follows:

"SEC. 9. That any national banking association desiring to withdraw its circulating notes, secured by deposit of United States bonds in the manner provided in section four of the Act approved June twentieth, eighteen hundred and seventy-four, is hereby authorized for that purpose to deposit lawful money with the Treasurer of the United States and, with the consent of the Comptroller of the Currency and the approval of the Secretary of the Treasury, to withdraw a proportionate amount of bonds held as security for its circulating notes in the order of such deposits: *Provided*, That not more than nine millions of dollars of lawful money shall be so deposited during any calendar month for this purpose.

"Any national banking association desiring to withdraw any of its circulating notes, secured by the deposit of securities other than bonds of the United

States, may make such withdrawal at any time in like manner and effect by the deposit of lawful money or national bank notes with the Treasurer of the United States, and upon such deposit a proportionate share of the securities so deposited may be withdrawn: *Provided*, That the deposits under this section to retire notes secured by the deposit of securities other than bonds of the United States shall not be covered into the Treasury, as required by section six of an Act entitled 'An Act directing the purchase of silver bullion and the issue of Treasury notes thereon, and for other purposes,' approved July fourteenth, eighteen hundred and ninety, but shall be retained in the Treasury for the purpose of redeeming the notes of the bank making such deposit." [35 Stat. L. 551.]

For sec. 9 of the Act of July 12, 1882, see 5 Fed. Stat. Annot. 115. The section as originally enacted was partially repealed by sec. 12 of the Act of March 14, 1900, 5 Fed. Stat.

Annot. 117. It was further amended by sec. 4 of the Act of March 4, 1907, ch. 2913, 34 Stat. L. 1290, but that amendment is now superseded.

SEC. 11. [*Issue of notes.*] That section fifty-one hundred and seventy-two of the Revised Statutes be, and the same is hereby, amended to read as follows:

"**Sec. 5172.** In order to furnish suitable notes for circulation, the Comptroller of the Currency shall, under the direction of the Secretary of the Treasury, cause plates and dies to be engraved, in the best manner to guard against counterfeiting and fraudulent alterations, and shall have printed therefrom, and numbered, such quantity of circulating notes, in blank, of the denominations of five dollars, ten dollars, twenty dollars, fifty dollars, one hundred dollars, five hundred dollars, one thousand dollars, and ten thousand dollars, as may be required to supply the associations entitled to receive the same. Such notes shall state upon their face that they are secured by United States bonds or other securities, certified by the written or engraved signatures of the Treasurer and Register and by the imprint of the seal of the Treasury. They shall also express upon their face the promise of the association receiving the same to pay on demand, attested by the signature of the president or vice-president and cashier. The Comptroller of the Currency, acting under the direction of the Secretary of the Treasury, shall as soon as practicable cause to be prepared circulating notes in blank, registered and countersigned, as provided by law, to an amount equal to fifty per centum of the capital stock of each national banking association; such notes to be deposited in the Treasury or in the sub-treasury of the United States nearest the place of business of each association, and to be held for such association, subject to the order of the Comptroller of the Currency, for their delivery as provided by law: *Provided*, That the Comptroller of the Currency may issue national bank notes of the present form until plates can be prepared and circulating notes issued as above provided: *Provided, however*, That in no event shall bank notes of the present form be issued to any bank as additional circulation provided for by this Act." [35 Stat. L. 551.]

R. S. sec. 5172, as it read prior to this amendment, is given in 5 Fed. Stat. Annot. 118.

SEC. 12. [*Redemption in lawful money.*] That circulating notes of national banking associations, when presented to the Treasury for redemption, as provided in section three of the Act approved June twentieth, eighteen hundred and seventy-four, shall be redeemed in lawful money of the United States. [35 Stat. L. 552.]

SEC. 13. [*Authority of Secretary of the Treasury.*] That all acts and orders of the Comptroller of the Currency and the Treasurer of the United States

authorized by this Act shall have the approval of the Secretary of the Treasury who shall have power, also, to make any such rules and regulations and exercise such control over the organization and management of national currency associations as may be necessary to carry out the purposes of this Act. [35 Stat. L. 552.]

SEC. 14. [*Designated depositaries reserve not to include public deposits.*] That the provisions of section fifty-one hundred and ninety-one of the Revised Statutes, with reference to the reserves of national banking associations, shall not apply to deposits of public moneys by the United States in designated depositaries. [35 Stat. L. 552.]

For R. S. sec. 5191, see 5 Fed. Stat. Annot. 124.

SEC. 15. [*Interest payable on special deposits of public moneys.*] That all national banking associations designated as regular depositaries of public money shall pay upon all special and additional deposits made by the Secretary of the Treasury in such depositaries, and all such associations designated as temporary depositaries of public money shall pay upon all sums of public money deposited in such associations interest at such rate as the Secretary of the Treasury may prescribe, not less, however, than one per centum per annum upon the average monthly amount of such deposits: *Provided, however,* That nothing contained in this Act shall be construed to change or modify the obligation of any association or any of its officers for the safe-keeping of public money: *Provided further,* That the rate of interest charged upon such deposits shall be equal and uniform throughout the United States. [35 Stat. L. 552.]

SEC. 16. [*Appropriation.*] That a sum sufficient to carry out the purposes of the preceding sections of this Act is hereby appropriated out of any money in the Treasury not otherwise appropriated. [35 Stat. L. 552.]

SEC. 17. [*National Monetary Commission created.*] That a Commission is hereby created, to be called the "National Monetary Commission," to be composed of nine members of the Senate, to be appointed by the Presiding Officer thereof, and nine members of the House of Representatives, to be appointed by the Speaker thereof; and any vacancy on the Commission shall be filled in the same manner as the original appointment. [35 Stat. L. 552.]

SEC. 18. [*Commission to inquire as to changes in monetary system, etc. — officials — powers.*] That it shall be the duty of this Commission to inquire into and report to Congress at the earliest date practicable, what changes are necessary or desirable in the monetary system of the United States or in the laws relating to banking and currency, and for this purpose they are authorized to sit during the sessions or recess of Congress, at such times and places as they may deem desirable, to send for persons and papers, to administer oaths, to summons and compel the attendance of witnesses, and to employ a disbursing officer and such secretaries, experts, stenographers, messengers, and other assistants as shall be necessary to carry out the purposes for which said Commission was created. The Commission shall have the power, through subcommittee or otherwise, to examine witnesses and to make such investigations and examinations, in this or other countries, of the subjects committed to their charge as they shall deem necessary. [35 Stat. L. 552.]

SEC. 19. [*Appropriation.*] That a sum sufficient to carry out the purposes of sections seventeen and eighteen of this Act, and to pay the necessary expenses of the Commission and its members, is hereby appropriated, out of any money

in the Treasury not otherwise appropriated. Said appropriation shall be immediately available and shall be paid out on the audit and order of the chairman or acting chairman of said Commission, which audit and order shall be conclusive and binding upon all Departments as to the correctness of the accounts of such Commission. [*35 Stat. L. 553.*]

Sec. 20. [*Termination of act.*] That this Act shall expire by limitation on the thirtieth day of June, nineteen hundred and fourteen. [*35 Stat. L. 553.*]

NATIONAL GUARD.

See *MILITIA*.

NATIONAL HOMES.

See *HOSPITALS AND ASYLUMS*.

NATIONAL RED CROSS.

See *CHARITIES*.

NATURALIZATION.

Act of June 29, 1906, Ch. 8592, 365.

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CROSS-REFERENCES.

Expatriation of Citizens, see CITIZENSHIP.

See also PENAL LAWS.

An Act To establish a Bureau of Immigration and Naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States.

[Act of June 29, 1906, ch. 3592, 34 Stat. L. 596.]

[SEC. 1.] *[Department of commerce and labor — immigration and naturalization bureau — registry of alien immigrants — certificates of registry.]* That the designation of the Bureau of Immigration in the Department of Commerce and Labor is hereby changed to the "Bureau of Immigration and Naturalization," which said Bureau, under the direction and control of the Secretary of Commerce and Labor, in addition to the duties now provided by law, shall have charge of all matters concerning the naturalization of aliens. That it shall be the duty of the said Bureau to provide, for use at the various immigration stations throughout the United States, books of record, wherein the commissioners of immigration shall cause a registry to be made in the case of each alien arriving in the United States from and after the passage of this Act of the name, age, occupation, personal description (including height, complexion, color of hair and eyes), the place of birth, the last residence, the intended place of residence in the United States, and the date of arrival of said alien, and, if entered through a port, the name of the vessel in which he comes. And it shall be the duty of said commissioners of immigration to cause to be granted to such alien a certificate of such registry, with the particulars thereof. **[34 Stat. L. 596.]**

SEC. 2. *[Additional offices, employees, etc.]* That the Secretary of Commerce and Labor shall provide the said Bureau with such additional furnished offices within the city of Washington, such books of record and facilities, and such additional assistants, clerks, stenographers, typewriters, and other employees as may be necessary for the proper discharge of the duties imposed by this Act upon such Bureau, fixing the compensation of such additional employees until July first, nineteen hundred and seven, within the appropriations made for that purpose. **[34 Stat. L. 596.]**

SEC. 3. *[Naturalization of aliens — courts given jurisdiction — restricted to residents of district — blank forms to be furnished.]* That exclusive jurisdiction to naturalize aliens as citizens of the United States is hereby conferred upon the following specified courts: United States circuit and district courts now existing, or which may hereafter be established by Congress in any State, United States district courts for the Territories of Arizona, New Mexico, Oklahoma, Hawaii, and Alaska, the supreme court of the District of Columbia, and the United States courts for the Indian Territory; also all courts of record in any State or Territory now existing, or which may hereafter be created, having a seal, a clerk, and jurisdiction in actions at law or equity, or law and equity, in which the amount in controversy is unlimited. That the naturalization jurisdiction of all courts herein specified, State, Territorial, and Federal,

shall extend only to aliens resident within the respective judicial districts of such courts. The courts herein specified shall, upon the requisition of the clerks of such courts, be furnished from time to time by the Bureau of Immigration and Naturalization with such blank forms as may be required in the naturalization of aliens, and all certificates of naturalization shall be consecutively numbered and printed on safety paper furnished by said Bureau. [*34 Stat. L. 596.*]

State Circuit and District Courts. — "Within the respective judicial districts of such courts," in the above provision, has been construed to mean "within the territorial jurisdiction of such courts." Under this construction an alien residing in a given county of a state judicial circuit cannot be admitted to citizenship by the state circuit court of another county within that circuit which has no territorial jurisdiction outside of the county in which it sits. *U. S. v. Schurr*, (1908) 163 Fed. 648; *U. S. v. Wayer*, (1908) 163 Fed. 650.

But where a state district court has determined that while sitting in one county it

may entertain a petition for naturalization presented by a resident of another county of such district, a federal court, to which is presented a petition for the cancellation of the certificate issued by the state court, will not pass upon the jurisdiction of the state court where dependent upon the construction to be given to the state law. *U. S. v. Andersen*, 169 Fed. 201.

The New York Supreme Court has as ample jurisdiction over naturalization as any other court. *In re Guliano*, 156 Fed. 421.

The city court of East St. Louis has jurisdiction to naturalize aliens as citizens. *U. S. v. Hrasky*, (Ill. 1909) 88 N. E. 1033.

SEC. 4. [Proceedings.] That an alien may be admitted to become a citizen of the United States in the following manner and not otherwise:

First. [Declaration of intention — qualifications, etc. — previous declarations.] He shall declare on oath before the clerk of any court authorized by this Act to naturalize aliens, or his authorized deputy, in the district in which such alien resides, two years at least prior to his admission, and after he has reached the age of eighteen years, that it is bona fide his intention to become a citizen of the United States, and to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly, by name, to the prince, potentate, state, or sovereignty of which the alien may be at the time a citizen or subject. And such declaration shall set forth the name, age, occupation, personal description, place of birth, last foreign residence and allegiance, the date of arrival, the name of the vessel, if any, in which he came to the United States, and the present place of residence in the United States of said alien: *Provided, however*, That no alien who, in conformity with the law in force at the date of his declaration, has declared his intention to become a citizen of the United States shall be required to renew such declaration.

Declaration made under previous law. — A certificate of citizenship will be granted to a petitioner who more than five years previously, and at a time when he was a minor over eighteen years of age, made declaration of intention to become a citizen, under the statute (R. S. sec. 2165, 5 Fed. Stat. Annot. 200) which was repealed by this Act. *In re Gross*, 160 Fed. 739.

Sufficiency of declaration. — An alien applying under the present law for citizenship

must, irrespective of age, at least two years prior to his admission, declare his intention to become a citizen and renounce allegiance to any foreign prince, etc., generally, and particularly to the one of whom he may at the time of application be a subject, or a country of which he may be a citizen. A declaration of such nature is not sufficient unless it is by the alien himself in conformity with the law at the time it is made. *In re Poirot*, 168 Fed. 456.

Second. [Petitions for citizenship certificates — requirements — previous declarations — declarations as to anarchy and polygamy — renunciation of other allegiance — intention of permanent residence, etc. — evidence as to character, etc. — certificates of arrival and intention, to be filed.] Not less than two years nor more than seven years after he has made such declaration of intention he shall make and file, in duplicate, a petition in writing, signed by the applicant in his own handwriting and duly verified, in which petition such

applicant shall state his full name, his place of residence (by street and number, if possible), his occupation, and, if possible, the date and place of his birth; the place from which he emigrated, and the date and place of his arrival in the United States, and, if he entered through a port, the name of the vessel on which he arrived; the time when and the place and name of the court where he declared his intention to become a citizen of the United States; if he is married he shall state the name of his wife and, if possible, the country of her nativity and her place of residence at the time of filing his petition; and if he has children, the name, date, and place of birth and place of residence of each child living at the time of the filing of his petition: *Provided*, That if he has filed his declaration before the passage of this Act he shall not be required to sign the petition in his own handwriting. The petition shall set forth that he is not a disbeliever in or opposed to organized government, or a member of or affiliated with any organization or body of persons teaching disbelief in or opposed to organized government, a polygamist or believer in the practice of polygamy, and that it is his intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he at the time of filing of his petition may be a citizen or subject, and that it is his intention to reside permanently within the United States, and whether or not he has been denied admission as a citizen of the United States, and, if denied, the ground or grounds of such denial, the court or courts in which such decision was rendered, and that the cause for such denial has since been cured or removed, and every fact material to his naturalization and required to be proved upon the final hearing of his application. The petition shall also be verified by the affidavits of at least two credible witnesses, who are citizens of the United States, and who shall state in their affidavits that they have personally known the applicant to be a resident of the United States for a period of at least five years continuously, and of the State, Territory, or district in which the application is made for a period of at least one year immediately preceding the date of the filing of his petition, and that they each have personal knowledge that the petitioner is a person of good moral character, and that he is in every way qualified, in their opinion, to be admitted as a citizen of the United States. At the time of filing his petition there shall be filed with the clerk of the court a certificate from the Department of Commerce and Labor, if the petitioner arrives in the United States after the passage of this Act, stating the date, place, and manner of his arrival in the United States, and the declaration of intention of such petitioner, which certificate and declaration shall be attached to and made a part of said petition.

The provision as to the time for filing the petition, embodied in the above paragraph, is in the nature of a statute of limitation. Being such a statute, it will not be given a retrospective construction so as to cut off the right to become naturalized of one who has made declaration of intention of becoming a citizen more than seven years prior to its passage. *In re Wehrli*, 157 Fed. 938. The court said: "It is well settled by the decisions of all the courts, state as well as national, that unless the language used is so clear, strong, and imperative that no other meaning can be given to it, or unless the intention of the legislature cannot be otherwise satisfied, the statute ought not to be given retrospective construction. * * * In my opinion, the language of the statute does not

justify such a construction, and the true intent of Congress was that aliens declaring their intention to become naturalized after the passage of the Act must file their final application within seven years after the filing of the declaration of intention, and as to those who filed the declaration of intention before the enactment of the statute, they must make their final application within seven years from the enactment of the Act."

Under this paragraph the right to citizenship must exist at the date of the filing of the petition. A certificate of citizenship granted on a petition filed less than two years after making declaration of intention will be canceled although the hearing on the petition was not had until after the expiration of two years. The provision in question is manda-

tory, and is not necessarily inconsistent with the provision of subdivision 1, that the declaration of intention must be made "two years at least prior to his admission." U. S. v. Van der Molen, (1908) 163 Fed. 650.

Repeated applications for naturalization may not be made, it seems. In *In re Guliana*, 156 Fed. 420, 421, it appeared that the applicant had within a few months been denied final papers by a state court. Hough, J., said: "The letter of the present Act seems to place no limit upon the number of applications that an alien may make for naturalization; but I cannot think it follows that a man who has fully submitted his case to a court of competent jurisdiction and had judgment against him can propound a new application the next day in another court, and repeat the operation as long as his courage dictates or his pocket permits. It is inconceivable that, should Guliano's application be entertained in this court, and his final petition come on for hearing (as it would) within a few months after the decision above noted, such decision would be wholly disregarded, and a certificate granted upon substantially the same facts as had induced its denial a few months earlier."

A witness who had surrendered his certificate of citizenship for cancellation is incom-

petent to verify a petition for naturalization because he is not a citizen of the United States as required by the above provision. *In re O'Dea*, 158 Fed. 703.

By admitting at the final hearing that he has not known the petitioner for five years antedating the filing of the petition, a witness deprives of any probative force the statement in his affidavit that he has known the petitioner for such period, and the petition will not be accepted, because it does not comply with the spirit of the statute although meeting the letter thereof. *In re Aprea*, 158 Fed. 703.

Acquaintance with the applicant five years before the final hearing does not qualify a voucher, as this provision expressly requires the witnesses to have known the applicant to be a resident for five years before filing the petition. Nor is a person having such knowledge qualified as a witness at the final hearing, the reason being that the fourth subdivision of this section requires proof of residence for five years preceding the date of the application, and such date under the present paragraph of the Act impliedly is fixed at the time of filing the application. But the applicant in such a case will be given leave to amend his petition, and to have the same reposted. *In re Welsh*, 159 Fed. 1014.

Third. [*Declaration in open court.*] He shall, before he is admitted to citizenship, declare on oath in open court that he will support the Constitution of the United States, and that he absolutely and entirely renounces and abjures all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly by name to the prince, potentate, state, or sovereignty of which he was before a citizen or subject; that he will support and defend the Constitution and laws of the United States against all enemies, foreign and domestic, and bear true faith and allegiance to the same.

Fourth. [*Evidence of residence, etc., required — additional testimony.*] It shall be made to appear to the satisfaction of the court admitting any alien to citizenship that immediately preceding the date of his application he has resided continuously within the United States five years at least, and within the State or Territory where such court is at the time held one year at least, and that during that time he has behaved as a man of good moral character, attached to the principles of the Constitution of the United States, and well disposed to the good order and happiness of the same. In addition to the oath of the applicant, the testimony of at least two witnesses, citizens of the United States, as to the facts of residence, moral character, and attachment to the principles of the Constitution shall be required, and the name, place of residence, and occupation of each witness shall be set forth in the record.

"Satisfaction of court." — By the provision of the above subdivision that the facts mentioned shall appear to the satisfaction of the court, there is vested in the judge discretion to determine whether an alien is fit for admission. But this discretion is not arbitrary; it must be a sound judicial discretion, and, if abused, is subject to review. U. S. r. Hrasky, (Ill. 1909) 88 N. E. 1033.

Absence at sea. — An alien who acquired a domicile in a state of the Union more than five years prior to the date of his application does not lose his right to naturalization, under this

subdivision, by the fact that he has spent a large portion of the five years at sea, where he was in the habit of returning to his domicile whenever opportunity offered and in other ways manifested his intention not to abandon it. The word "continuously" in the above provision is not to be construed literally. And the witnesses required by this subdivision need only be persons whose knowledge is appropriate to the applicant's employment — for example, in the case of a sailor, persons who knew of his residence in the state where he applies before he went to sea, corresponded

with him during such period, and knew of his return to his domicile from time to time at the termination of his voyages. *In re Schneider*, (1908) 164 Fed. 335.

Good moral character.—The word "character" as used in the above provision is not synonymous with "reputation." It means what a person really is, not what he is supposed to be. *U. S. v. Hraskey*, (Ill.) 88 N. E. 1033.

One who knowingly and wilfully has made use of naturalization papers fraudulently procured, instead of surrendering them for cancellation, is not a person of good moral character as required by this provision. *In re Di Clerico*, 158 Fed. 905.

Any one who habitually, knowingly, and wilfully has violated the law requiring saloons to be closed on Sunday, and who states that he intends to continue to violate the law in case he is naturalized, is not a person of good

moral character, and hence should be refused naturalization. *U. S. v. Hraskey*, (Ill.) 88 N. E. 1031.

Where it has been decided by a court of competent jurisdiction that an applicant for naturalization is not entitled to his papers because he has not been of good moral character for the statutory period, it appearing that he pleaded guilty to an indictment, a subsequent application will not be granted until the applicant can show that he has behaved himself as a person of good moral character for five years after the plea of guilty. *In re Guliano*, 156 Fed. 422.

Discharged soldiers.—This provision is reconcilable with the earlier Act (Act July 17, 1862, ch. 200, R. S. sec. 2166, 5 Fed. Stat. Annot. 205) so as to permit an honorably discharged soldier to prove his case by one witness. *In re Loftus*, 165 Fed. 1002.

See *supra*, paragraph second.

Fifth. [Former titles, etc., to be renounced.] In case the alien applying to be admitted to citizenship has borne any hereditary title, or has been of any of the orders of nobility in the kingdom or state from which he came, he shall, in addition to the above requisites, make an express renunciation of his title or order of nobility in the court to which his application is made, and his renunciation shall be recorded in the court.

Sixth. [Widows and minor children.] When any alien who has declared his intention to become a citizen of the United States dies before he is actually naturalized the widow and minor children of such alien may, by complying with the other provisions of this Act, be naturalized without making any declaration of intention. [34 Stat. L. 596.]

Generally.—Under this provision an alien, whose father declared his intention of becoming a citizen, but died before being naturalized and during the minority of the child, may acquire naturalization upon complying with the other provisions of the act, without making a declaration of intention. *In re Schmidt*, 161 Fed. 231.

Declaration made under previous statute.—The right of a minor to avail himself of his father's declaration made under the earlier statute (R. S. sec. 2165, 5 Fed. Stat. Annot.

200) was not taken away by this Act, but was preserved and continued by the above clause. Consequently, a minor whose father made a declaration of intention under the previous law, and died before the passage of the present Act, succeeds to the benefit of such declaration and may apply for citizenship without making a declaration in his own behalf and waiting the prescribed period. *In re Shearer*, 158 Fed. 839.

See *infra*, note to section 13.

SEC. 5. [Public notice of petition, hearing, etc. — subpoenas to witnesses.] That the clerk of the court shall, immediately after filing the petition, give notice thereof by posting in a public and conspicuous place in his office, or in the building in which his office is situated, under an appropriate heading, the name, nativity, and residence of the alien, the date and place of his arrival in the United States, and the date, as nearly as may be, for the final hearing of his petition, and the names of the witnesses whom the applicant expects to summon in his behalf; and the clerk shall, if the applicant requests it, issue a subpoena for the witnesses so named by the said applicant to appear upon the day set for the final hearing, but in case such witnesses can not be produced upon the final hearing other witnesses may be summoned. [34 Stat. L. 598.]

The witnesses referred to in this section need not be the same as the witnesses verifying the petition, and according to the interpretation of the Circuit Court for the district of Oregon, should the witnesses named in the posted notice not be available at the final

hearing, others may be summoned in the usual manner, by securing their attendance through request or by the aid of subpoenas. *In re Schatz*, 161 Fed. 237, per Wolverton, D. J., dissenting from the view taken by the Circuit Court for the southern district of New

York in *In re O'Dea*, 158 Fed. 703. In the latter case, Lacombe, Cir. J., held that the posting of the names of the witnesses is indispensable, saying: "The concluding clause of this section, which authorizes the summoning of other witnesses than those who originally verified the petition, must be read in connection with the whole section, and as requiring that the new witness shall have the same qualifications as those described in the first part of the section, including his having stood the test of having his name publicly

posted for ninety days. Otherwise one of the safeguards which Congress provided against the naturalization of improper persons would be cast aside. The very object of posting the names of the witnesses is to give the government opportunity for a full investigation conducted by its own officers, without having to depend solely on the cross-examination of persons of whom it never heard until the cause comes up for final disposition."

Amendment and repeating of petition. — See *supra* section 4, par. 2.

SEC. 6. [*Filing and docketing — hearings — election day restriction — change of name.*] That petitions for naturalization may be made and filed during term time or vacation of the court and shall be docketed the same day as filed, but final action thereon shall be had only on stated days, to be fixed by rule of the court, and in no case shall final action be had upon a petition until at least ninety days have elapsed after filing and posting the notice of such petition: *Provided*, That no person shall be naturalized nor shall any certificate of naturalization be issued by any court within thirty days preceding the holding of any general election within its territorial jurisdiction. It shall be lawful, at the time and as a part of the naturalization of any alien, for the court, in its discretion, upon the petition of such alien, to make a decree changing the name of said alien, and his certificate of naturalization shall be issued to him in accordance therewith. [34 Stat. L. 598.]

SEC. 7. [*Naturalization forbidden to anarchists or polygamists.*] That no person who disbelieves in or who is opposed to organized government, or who is a member of or affiliated with any organization entertaining and teaching such disbelief in or opposition to organized government, or who advocates or teaches the duty, necessity, or propriety of the unlawful assaulting or killing of any officer or officers, either of specific individuals or of officers generally, of the Government of the United States, or of any other organized government, because of his or their official character, or who is a polygamist, shall be naturalized or be made a citizen of the United States. [34 Stat. L. 598.]

SEC. 8. [*Speaking English required — physical incapacity — not applicable to prior declarations — homestead entrymen.*] That no alien shall hereafter be naturalized or admitted as a citizen of the United States who can not speak the English language: *Provided*, That this requirement shall not apply to aliens who are physically unable to comply therewith, if they are otherwise qualified to become citizens of the United States: *And provided further*, That the requirements of this section shall not apply to any alien who has prior to the passage of this Act declared his intention to become a citizen of the United States in conformity with the law in force at the date of making such declaration: *Provided further*, That the requirements of section eight shall not apply to aliens who shall hereafter declare their intention to become citizens and who shall make homestead entries upon the public lands of the United States and comply in all respects with the laws providing for homestead entries on such lands. [34 Stat. L. 599.]

SEC. 9. [*Final hearings — record of orders, etc.*] That every final hearing upon such petition shall be had in open court before a judge or judges thereof, and every final order which may be made upon such petition shall be under the hand of the court and entered in full upon a record kept for that purpose, and upon such final hearing of such petition the applicant and witnesses shall be

examined under oath before the court and in the presence of the court. [34 Stat. L. 599.]

This provision is mandatory in requiring that the hearing be in open court, and that the witnesses be examined in the presence of the court. Where depositions were received

in a case not within the next succeeding section, the court decreed the cancellation of the certificate granted. U. S. v. Nisbet, 168 Fed. 1005.

SEC. 10. [*Evidence of residence.*] That in case the petitioner has not resided in the State, Territory, or district for a period of five years continuously and immediately preceding the filing of his petition he may establish by two witnesses, both in his petition and at the hearing, the time of his residence within the State, provided that it has been for more than one year, and the remaining portion of his five years' residence within the United States required by law to be established may be proved by the depositions of two or more witnesses who are citizens of the United States, upon notice to the Bureau of Immigration and Naturalization and the United States attorney for the district in which said witnesses may reside. [34 Stat. L. 599.]

See note under sec. 9, *supra*.

SEC. 11. [*Examinations, etc., in opposition.*] That the United States shall have the right to appear before any court or courts exercising jurisdiction in naturalization proceedings for the purpose of cross-examining the petitioner and the witnesses produced in support of his petition concerning any matter touching or in any way affecting his right to admission to citizenship, and shall have the right to call witnesses, produce evidence, and be heard in opposition to the granting of any petition in naturalization proceedings. [34 Stat. L. 599.]

SEC. 12. [*Court to keep duplicates of declarations and certificates — papers in rejected cases — penalty for failure of clerk — responsibility for blanks — return of defaced, etc., blanks — penalty.*] That it is hereby made the duty of the clerk of each and every court exercising jurisdiction in naturalization matters under the provisions of this Act to keep and file a duplicate of each declaration of intention made before him and to send to the Bureau of Immigration and Naturalization at Washington, within thirty days after the issuance of a certificate of citizenship, a duplicate of such certificate, and to make and keep on file in his office a stub for each certificate so issued by him, whereon shall be entered a memorandum of all the essential facts set forth in such certificate. It shall also be the duty of the clerk of each of said courts to report to the said Bureau, within thirty days after the final hearing and decision of the court, the name of each and every alien who shall be denied naturalization, and to furnish to said Bureau duplicates of all petitions within thirty days after the filing of the same, and certified copies of such other proceedings and orders instituted in or issued out of said court affecting or relating to the naturalization of aliens as may be required from time to time by the said Bureau. In case any such clerk or officer acting under his direction shall refuse or neglect to comply with any of the foregoing provisions he shall forfeit and pay to the United States the sum of twenty-five dollars in each and every case in which such violation or omission occurs, and the amount of such forfeiture may be recovered by the United States in an action of debt against such clerk. Clerks of courts having and exercising jurisdiction in naturalization matters shall be responsible for all blank certificates of citizenship received by them from time to time from the Bureau of Immigration and Naturalization, and shall account for the

same to the said Bureau whenever required so to do by such Bureau. No certificate of citizenship received by any such clerk which may be defaced or injured in such manner as to prevent its use as herein provided shall in any case be destroyed, but such certificate shall be returned to the said Bureau; and in case any such clerk shall fail to return or properly account for any certificate furnished by the said Bureau, as herein provided, he shall be liable to the United States in the sum of fifty dollars, to be recovered in an action of debt, for each and every certificate not properly accounted for or returned. [34 Stat. L. 599.]

SEC. 13. [*Fees — declaration — petition, certificate, etc. — disposal of fees — deposit by petitioner for expenses — retention by clerk — payment for additional clerks — additional allowance.*] That the clerk of each and every court exercising jurisdiction in naturalization cases shall charge, collect, and account for the following fees in each proceeding: For receiving and filing a declaration of intention and issuing a duplicate thereof, one dollar. For making, filing, and docketing the petition of an alien for admission as a citizen of the United States and for the final hearing thereon, two dollars; and for entering the final order and the issuance of the certificate of citizenship thereunder, if granted, two dollars. The clerk of any court collecting such fees is hereby authorized to retain one-half of the fees collected by him in such naturalization proceeding; the remaining one-half of the naturalization fees in each case collected by such clerks, respectively, shall be accounted for in their quarterly accounts, which they are hereby required to render the Bureau of Immigration and Naturalization, and paid over to such Bureau within thirty days from the close of each quarter in each and every fiscal year, and the moneys so received shall be paid over to the disbursing clerk of the Department of Commerce and Labor, who shall thereupon deposit them in the Treasury of the United States, rendering an account therefor quarterly to the Auditor for the State and other Departments, and the said disbursing clerk shall be held responsible under his bond for said fees so received. In addition to the fees herein required, the petitioner shall, upon the filing of his petition to become a citizen of the United States, deposit with and pay to the clerk of the court a sum of money sufficient to cover the expenses of subpoenaing and paying the legal fees of any witnesses for whom he may request a subpoena, and upon the final discharge of such witnesses they shall receive, if they demand the same from the clerk, the customary and usual witness fees from the moneys which the petitioner shall have paid to such clerk for such purpose, and the residue, if any, shall be returned by the clerk to the petitioner: *Provided*, That the clerks of courts exercising jurisdiction in naturalization proceedings shall be permitted to retain one-half of the fees in any fiscal year up to the sum of three thousand dollars, and that all fees received by such clerks in naturalization proceedings in excess of such amount shall be accounted for and paid over to said Bureau as in case of other fees to which the United States may be entitled under the provisions of this Act. The clerks of the various courts exercising jurisdiction in naturalization proceedings shall pay all additional clerical force that may be required in performing the duties imposed by this Act upon the clerks of courts from fees received by such clerks in naturalization proceedings. And in case the clerk of any court collects fees in excess of the sum of six thousand dollars in any one year, the Secretary of Commerce and Labor may allow to such clerk from the money which the United States shall receive additional compensation for the employment of additional clerical assistance, but for no other purpose, if in the opinion of the said Secretary the business of such clerk warrants such allowance. [34 Stat. L. 600.]

The fees fixed hereby are controlling in naturalization proceedings in a state court to the exclusion of state legislation upon the subject. *State v. Libby*, 47 Wash. 481, 92 Pac. 350.

Preliminary examination on motion. — While the fourth section of this Act declares that an alien "may be admitted" in the manner therein specified and "not otherwise," yet there is nothing in the statute forbidding a

preliminary inquiry in cases where it is doubtful whether the applicant truthfully can verify a petition giving him any hope of a successful issue. Consequently a preliminary showing as to the existence of any ground for the denial of the application may be made by motion on the general calendar without the payment of the fees attaching to the filing of an application. *In re Guliano*, 156 Fed. 420.

SEC. 14. [*Binding of papers, etc.*] That the declarations of intention and the petitions for naturalization shall be bound in chronological order in separate volumes, indexed, consecutively numbered, and made part of the records of the court. Each certificate of naturalization issued shall bear upon its face, in a place prepared therefor, the volume number and page number of the petition whereon such certificate was issued, and the volume number and page number of the stub of such certificate. [34 Stat. L. 601.]

SEC. 15. [*Proceedings to cancel certificates illegally procured — notice to holder, etc. — canceling certificates of persons permanently abroad — copy of order of cancellation to Bureau — to court of original issue — canceling records, etc. — application to all certificates.*] That it shall be the duty of the United States district attorneys for the respective districts, upon affidavit showing good cause therefor, to institute proceedings in any court having jurisdiction to naturalize aliens in the judicial district in which the naturalized citizen may reside at the time of bringing the suit, for the purpose of setting aside and canceling the certificate of citizenship on the ground of fraud or on the ground that such certificate of citizenship was illegally procured. In any such proceedings the party holding the certificate of citizenship alleged to have been fraudulently or illegally procured shall have sixty days personal notice in which to make answer to the petition of the United States; and if the holder of such certificate be absent from the United States or from the district in which he last had his residence, such notice shall be given by publication in the manner provided for the service of summons by publication or upon absentees by the laws of the State or the place where such suit is brought. If any alien who shall have secured a certificate of citizenship under the provisions of this Act shall, within five years after the issuance of such certificate, return to the country of his nativity, or go to any other foreign country, and take permanent residence therein, it shall be considered prima facie evidence of a lack of intention on the part of such alien to become a permanent citizen of the United States at the time of filing his application for citizenship, and, in the absence of counter-vailing evidence, it shall be sufficient in the proper proceeding to authorize the cancellation of his certificate of citizenship as fraudulent, and the diplomatic and consular officers of the United States in foreign countries shall from time to time, through the Department of State, furnish the Department of Justice with the names of those within their respective jurisdictions who have such certificates of citizenship and who have taken permanent residence in the country of their nativity, or in any other foreign country, and such statements, duly certified, shall be admissible in evidence in all courts in proceedings to cancel certificates of citizenship. Whenever any certificate of citizenship shall be set aside or canceled, as herein provided, the court in which such judgment or decree is rendered shall make an order canceling such certificate of citizenship and shall send a certified copy of such order to the Bureau of Immigration and Naturalization; and in case such certificate was not originally issued by the court making such order it shall direct the clerk of the court to transmit

a copy of such order and judgment to the court out of which such certificate of citizenship shall have been originally issued. And it shall thereupon be the duty of the clerk of the court receiving such certified copy of the order and judgment of the court to enter the same of record and to cancel such original certificate of citizenship upon the records and to notify the Bureau of Immigration and Naturalization of such cancellation. The provisions of this section shall apply not only to certificates of citizenship issued under the provisions of this Act, but to all certificates of citizenship which may have been issued heretofore by any court exercising jurisdiction in naturalization proceeding under prior laws. [34 Stat. L. 601.]

United States district attorneys are charged by the plain provisions of the above section with the duty of prosecuting proceedings for the cancellation of certificates of citizenship; this is not one of the functions of the bureau of immigration and naturalization. U. S. v. Andersen, 169 Fed. 206.

The cancellation need not be by the court granting the certificate. A certificate granted by a state court may be canceled in a pro-

ceeding before a federal court, notwithstanding the two courts are of coördinate jurisdiction. U. S. v. Nisbet, 168 Fed. 1005.

For cases in which certificates of citizenship were canceled under the above section because of lack of jurisdiction in the court which issued them, see U. S. v. Schurr, (1908) 163 Fed. 648; U. S. v. Wayer, (1908) 163 Fed. 650; U. S. v. Van der Molen, (1908) 163 Fed. 650.

SEC. 16. [*Punishment for issuing, etc., false certificates.*]

This section, and sections 17 and 19, were repealed by sec. 341 of the new penal laws; they are embodied in secs. 74-77 of the Penal Laws. See the title PENAL LAWS, *post*.

SEC. 17. [*Punishment for engraving, printing, selling, etc., counterfeits.*]

Repealed, see note under sec. 16, *supra*.

SEC. 18. [*Punishment for illegally issuing, etc., certificates.*] That it is hereby made a felony for any clerk or other person to issue or be a party to the issuance of a certificate of citizenship contrary to the provisions of this Act, except upon a final order under the hand of a court having jurisdiction to make such order, and upon conviction thereof such clerk or other person shall be punished by imprisonment for not more than five years and by a fine of not more than five thousand dollars, in the discretion of the court. [34 Stat. L. 602.]

SEC. 19. [*Punishment for unlawful possession of blank certificates.*]

Repealed, see note under sec. 16, *supra*.

SEC. 20. [*Punishment for neglecting to render accounts, etc.*] That any clerk or other officer of a court having power under this Act to naturalize aliens, who willfully neglects to render true accounts of moneys received by him for naturalization proceedings or who willfully neglects to pay over any balance of such moneys due to the United States within thirty days after said payment shall become due and demand therefor has been made and refused, shall be deemed guilty of embezzlement of the public moneys, and shall be punishable by imprisonment for not more than five years, or by a fine of not more than five thousand dollars, or both. [34 Stat. L. 602.]

SEC. 21. [*Punishment for receiving, etc., illegal fees.*] That it shall be unlawful for any clerk of any court or his authorized deputy or assistant exercising jurisdiction in naturalization proceedings, or [*sic*] to demand, charge, collect, or receive any other or additional fees or moneys in naturalization proceedings save the fees and moneys herein specified; and a violation of any of the provisions of this section or any part thereof is hereby declared to be a misdemeanor and shall be punished by imprisonment for not more than two years,

or by a fine of not more than one thousand dollars, or by both such fine and imprisonment. [34 Stat. L. 602.]

SEC. 22. [*Punishment for issuing false acknowledgments, etc.*] That the clerk of any court exercising jurisdiction in naturalization proceedings, or any person acting under authority of this Act, who shall knowingly certify that a petitioner, affiant, or witness named in an affidavit, petition, or certificate of citizenship, or other paper or writing required to be executed under the provisions of this Act, personally appeared before him and was sworn thereto, or acknowledged the execution thereof or signed the same, when in fact such petitioner, affiant, or witness did not personally appear before him, or was not sworn thereto, or did not execute the same, or did not acknowledge the execution thereof, shall be punished by a fine not exceeding five thousand dollars, or by imprisonment not to exceed five years. [34 Stat. L. 603.]

SEC. 23. [*Punishment for fraudulently obtaining naturalization — accessories.*] That any person who knowingly procures naturalization in violation of the provisions of this Act shall be fined not more than five thousand dollars, or shall be imprisoned not more than five years, or both, and upon conviction the court in which such conviction is had shall thereupon adjudge and declare the final order admitting such person to citizenship void. Jurisdiction is hereby conferred on the courts having jurisdiction of the trial of such offense to make such adjudication. Any person who knowingly aids, advises, or encourages any person not entitled thereto to apply for or to secure naturalization, or to file the preliminary papers declaring an intent to become a citizen of the United States, or who in any naturalization proceeding knowingly procures or gives false testimony as to any material fact, or who knowingly makes an affidavit false as to any material fact required to be proved in such proceeding, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [34 Stat. L. 603.]

SEC. 24. [*Limit for prosecutions.*] That no person shall be prosecuted, tried, or punished for any crime arising under the provisions of this Act unless the indictment is found or the information is filed within five years next after the commission of such crime. [34 Stat. L. 603.]

SEC. 25. [*Prosecution of prior offenses.*] That for the purpose of the prosecution of all crimes and offenses against the naturalization laws of the United States which may have been committed prior to the date when this Act shall go into effect, the existing naturalization laws shall remain in full force and effect. [34 Stat. L. 603.]

SEC. 26. [*Laws repealed.*] That sections twenty-one hundred and sixty-five, twenty-one hundred and sixty-seven, twenty-one hundred and sixty-eight, twenty-one hundred and seventy-three, of the Revised Statutes of the United States of America, and section thirty-nine of chapter one thousand and twelve of the Statutes at Large of the United States of America for the year nineteen hundred and three, and all Acts or parts of Acts inconsistent with or repugnant to the provisions of this Act are hereby repealed. [34 Stat. L. 603.]

R. S. secs. 2165, 2167, 2168, 2173, are given in 5 Fed. Stat. Annot. 200-210.

Section 39 of the Act of March 3, 1903, ch. 1012, is given in 10 Fed. Stat. Annot. 238.

Hawaii.—This provision repeals the special statute (Act April 30, 1900, ch. 339, 31 Stat. L. 161, 3 Fed. Stat. Annot. 186) dispensing in the territory of Hawaii with the necessity of

a declaration of intention to become a citizen of the United States. Consequently a petition for naturalization of one who emigrated to Hawaii cannot be allowed where petitioner has made no declaration. U. S. v. Rodiek, (C. C. A.) 162 Fed. 469, reversing District Court for Hawaii.

SEC. 27. [Forms.] That substantially the following forms shall be used in the proceedings to which they relate:

DECLARATION OF INTENTION.

(Invalid for all purposes seven years after the date hereof.)

....., ss:

I, ..., aged years, occupation, do declare on oath (affirm) that my personal description is: Color, complexion, height, weight, color of hair, color of eyes, other visible distinctive marks; I was born in on the day of, anno Domini; I now reside at; I emigrated to the United States of America from on the vessel; my last foreign residence was It is my bona fide intention to renounce forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of which I am now a citizen (subject); I arrived at the (port) of, in the State (Territory or District) of on or about the day of anno Domini; I am not an anarchist; I am not a polygamist nor a believer in the practice of polygamy; and it is my intention in good faith to become a citizen of the United States of America and to permanently reside therein. So help me God.

(Original signature of declarant).....

Subscribed and sworn to (affirmed) before me this day of, anno Domini

[L. S.]

.....
(Official character of attestor.)

PETITION FOR NATURALIZATION.

..... Court of

In the matter of the petition of to be admitted as a citizen of the United States of America.

To the Court:

The petition of respectfully shows:

First. My full name is.....

Second. My place of residence is number street, city of, State (Territory or District) of

Third. My occupation is.....

Fourth. I was born on the day of at

Fifth. I emigrated to the United States from, on or about the day of, anno Domini, and arrived at the port of, in the United States, on the vessel

Sixth. I declared my intention to become a citizen of the United States on the day of at, in the court of

Seventh. I am .. married. My wife's name is She was born in and now resides at I have children, and the name, date, and place of birth and place of residence of each of said children is as follows:;;

Eighth. I am not a disbeliever in or opposed to organized government or a member of or affiliated with any organization or body of persons teaching disbelief in organized government. I am not a polygamist nor a believer in

the practice of polygamy. I am attached to the principles of the Constitution of the United States, and it is my intention to become a citizen of the United States and to renounce absolutely and forever all allegiance and fidelity to any foreign prince, potentate, state, or sovereignty, and particularly to, of which at this time I am a citizen (or subject), and it is my intention to reside permanently in the United States.

Ninth. I am able to speak the English language.

Tenth. I have resided continuously in the United States of America for a term of five years at least immediately preceding the date of this petition, to wit, since, anno Domini, and in the State (Territory or District) of for one year at least next preceding the date of this petition, to wit, since day of, anno Domini.

Eleventh. I have not heretofore made petition for citizenship to any court. (I made petition for citizenship to the court of at, and the said petition was denied by the said court for the following reasons and causes, to wit, ..., and the cause of such denial has since been cured or removed.)

Attached hereto and made a part of this petition are my declaration of intention to become a citizen of the United States and the certificate from the Department of Commerce and Labor required by law. Wherefore your petitioner prays that he may be admitted a citizen of the United States of America.

Dated

(Signature of petitioner)

., ss:

., being duly sworn, deposes and says that he is the petitioner in the above-entitled proceeding; that he has read the foregoing petition and knows the contents thereof; that the same is true of his own knowledge, except as to matters therein stated to be alleged upon information and belief, and that as to those matters he believes it to be true.

Subscribed and sworn to before me this day of, anno Domini

[L. s.]

.,
Clerk of the Court.

AFFIDAVIT OF WITNESSES.

. Court of

In the matter of the petition of to be admitted a citizen of the United States of America.

., ss:

., occupation, residing at, and, occupation, residing at, each being severally, duly, and respectively sworn, deposes and says that he is a citizen of the United States of America; that he has personally known, the petitioner above mentioned, to be a resident of the United States for a period of at least five years continuously immediately preceding the date of filing his petition, and of the State (Territory or District) in which the above-entitled application is made for a period of years immediately preceding the date of filing his petition; and that he has personal knowledge that the said petitioner is a person of good moral character, attached to the principles of the Constitution

of the United States, and that he is in every way qualified, in his opinion, to be admitted as a citizen of the United States.

Subscribed and sworn to before me this day of, nineteen hundred and

[L. s.]

(Official character of attester.)

CERTIFICATE OF NATURALIZATION.

Number

Petition, volume, page

Stub, volume, page

(Signature of holder)

Description of holder: Age, ...; height, ...; color, ...; complexion, ...; color of eyes, ...; color of hair, ...; visible distinguishing marks, ... Name, age, and place of residence of wife, ..., ... Names, ages, and places of residence of minor children, ..., ...;, ...;, ...;, ...

....., ss:

Be it remembered, that at a term of the court of, held at on the day of, in the year of our Lord nineteen hundred and, ..., who previous to his (her) naturalization was a citizen or subject of, at present residing at number street, ... city (town), ... State (Territory or District), having applied to be admitted a citizen of the United States of America pursuant to law, and the court having found that the petitioner had resided continuously within the United States for at least five years and in this State for one year immediately preceding the date of the hearing of his (her) petition, and that said petitioner intends to reside permanently in the United States, had in all respects complied with the law in relation thereto, and that ..he was entitled to be so admitted, it was thereupon ordered by the said court that ..he be admitted as a citizen of the United States of America.

In testimony whereof the seal of said court is hereunto affixed on the day of, in the year of our Lord nineteen hundred and, and of our independence the

[L. s.]

(Official character of attester.)

STUB OF CERTIFICATE OF NATURALIZATION.

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Name; age, ...

Declaration of intention, volume, page

Petition, volume, page

Name, age, and place of residence of wife, ..., ..., ... Names, ages, and places of residence of minor children, ..., ...;, ...;, ...;, ...;, ...

Date of order, volume, page

(Signature of holder)

[34 Stat. L. 603.]

SEC. 28. [*Rules, etc. — certified copies to be evidence.*] That the Secretary of Commerce and Labor shall have power to make such rules and regulations as may be necessary for properly carrying into execution the various provisions of this Act. Certified copies of all papers, documents, certificates, and records required to be used, filed, recorded, or kept under any and all of the provisions of this Act shall be admitted in evidence equally with the originals in any and all proceedings under this Act and in all cases in which the originals thereof might be admissible as evidence. [34 Stat. L. 606.]

SEC. 29. [*Appropriation — expenditures.*] That for the purpose of carrying into effect the provisions of this Act there is hereby appropriated the sum of one hundred thousand dollars, out of any moneys in the Treasury of the United States not otherwise appropriated, which appropriation shall be in full for the objects hereby expressed until June thirtieth, nineteen hundred and seven; and the provisions of section thirty-six hundred and seventy-nine of the Revised Statutes of the United States shall not be applicable in any way to this appropriation. [34 Stat. L. 606.]

R. S. sec. 3679, as amended, is given in 10 Fed. Stat. Annot. 84.

SEC. 30. [*Naturalization of persons owing allegiance but not United States citizens.*] That all the applicable provisions of the naturalization laws of the United States shall apply to and be held to authorize the admission to citizenship of all persons not citizens who owe permanent allegiance to the United States, and who may become residents of any State or organized Territory of the United States, with the following modifications: The applicant shall not be required to renounce allegiance to any foreign sovereignty; he shall make his declaration of intention to become a citizen of the United States at least two years prior to his admission; and residence within the jurisdiction of the United States, owing such permanent allegiance, shall be regarded as residence within the United States within the meaning of the five years' residence clause of the existing law. [34 Stat. L. 606.]

SEC. 31. [*Effect — bureau sections.*] That this Act shall take effect and be in force from and after ninety days from the date of its passage: *Provided*, That sections one, two, twenty-eight, and twenty-nine shall go into effect from and after the passage of this Act. [34 Stat. L. 607.]

NAVAL ACADEMY.

Act of April 9, 1906, Ch. 1370, 380.

Sec. 1. Dismissal of Midshipmen from, Authorized — Procedure — Board of Inquiry to Determine Facts, 380.

2. Punishment for Hazing — Restriction, 380.

3. Trial by Court-martial — Punishment — Imprisonment in Addition to Dismissal, 381.

4. What Constitutes Offense of "Hazing," 381.

5. Violation of Rules to Be Reported — Punishment for Failure to Report, 381

6. Effect — Prior Offenses — Cadets May Waive Right to Court-martial Trial, etc., 382.

Act of June 29, 1906, Ch. 3590, 382.

Sec. 1. Admission of Foreign Students Restricted, 382.

Appointment of Midshipmen — Time of Notification of Vacancies Changed — Nomination of Candidates, etc. — Filling Vacancies — Candidates Selected by the President, 382.

Appointment of Additional Professors of Mathematics — Transfer, etc., of Records, War of the Revolution, 383.

Act of May 13, 1908, Ch. 166, 383.

Returns by Storekeeper — Inspection, 383.

Act of March 3, 1909, Ch. 255, 383.

Use of Crypt and Windows of Academy Chapel Restricted — Memorials, 383.

An Act Granting authority to the Secretary of the Navy, in his discretion, to dismiss midshipmen from the United States Naval Academy and regulating the procedure and punishment in trials for hazing at the said academy.

[*Act of April 9, 1906, ch. 1370, 34 Stat. L. 104.*]

[**SEC. 1.**] [*Dismissal of midshipmen from, authorized — procedure — board of inquiry to determine facts.*] That it shall be the duty of the Superintendent of the United States Naval Academy, whenever he shall believe the continued presence of any midshipman at the said academy to be contrary to the best interests of the service, to report in writing such fact, with a full statement of the facts upon which are based his reasons for such belief, to the Secretary of the Navy, who, if after due consideration of the said report he shall deem the superintendent's said belief reasonable and well founded, shall cause a copy of the said report to be served upon the said midshipman and require the said midshipman to show cause, in writing and within such time as the said Secretary shall deem reasonable, why he should not be dismissed from the said academy; and after due consideration of any cause so shown the said Secretary may, in his discretion, but with the written approval of the President, dismiss such midshipman from the said academy. And the truth of any issue of fact so raised, except upon the record of demerit, shall be determined by a board of inquiry convened by the Secretary of the Navy under the rules and regulations for the government of the Navy. [*34 Stat. L. 104.*]

SEC. 2. [*Punishment for hazing — restriction.*] That so much of the Acts approved June twenty-third, eighteen hundred and seventy-four, and March

third, nineteen hundred and three, as requires the Superintendent of the United States Naval Academy to convene a court-martial in all cases when it shall come to the knowledge of the said superintendent that any midshipman has been guilty of the offense commonly known as "hazing," and declares the finding of a court-martial so convened, when approved by the said superintendent, final, and directs that any midshipman found guilty by such court-martial shall be summarily dismissed from the said academy, and also all other Acts or parts of Acts inconsistent with the present Act are hereby repealed, and that the offense known as "hazing" may hereafter be proceeded against, dealt with, and punished as offenses against good order and discipline and for violation and breaches of the rules of said academy. But no midshipman shall be dismissed for a single act of hazing except under the provisions of section three of this Act. [34 Stat. L. 104.]

The provision of the Act of June 23, 1874, in the Act of March 3, 1903, is given in 10 above referred to, is given in 5 Fed. Stat. Fed. Stat. Annot. 239. Annot. 223. The provision relating to hazing

SEC. 3. [*Trial by court-martial — punishment — imprisonment in addition to dismissal.*] That the Superintendent of the United States Naval Academy may, in his discretion and with the approval of the Secretary of the Navy, cause any midshipman in the said academy to be tried by court-martial for the offense of hazing, as provided by the Act approved June twenty-third, eighteen hundred and seventy-four, and such court-martial, upon conviction, may sentence such midshipman to any punishment authorized by the said Act or by the Act approved March third, nineteen hundred and three, or authorized for any violation or breach of the rules of the said academy by the said rules, or, in cases of brutal or cruel hazing may, in addition to dismissal, sentence such midshipman to imprisonment for a period not exceeding one year: *Provided*, That such midshipman shall not be confined in a military or naval prison or elsewhere with men who have been convicted of crimes or misdemeanors; and such finding and sentence shall be subject to review by the convening authority and by the Secretary of the Navy, as in the cases of other courts-martial. [34 Stat. L. 104.]

For references to earlier Acts, see note to preceding section.

SEC. 4. [*What constitutes offense of "hazing."*] That the offense of "hazing," as mentioned in this Act, shall consist of any unauthorized assumption of authority by one midshipman over another midshipman whereby the last-mentioned midshipman shall or may suffer or be exposed to suffer any cruelty, indignity, humiliation, hardship, or oppression, or the deprivation or abridgment of any right, privilege, or advantage to which he shall be legally entitled. [34 Stat. L. 105.]

SEC. 5. [*Violation of rules to be reported — punishment for failure to report.*] That it shall be the duty of every professor, assistant professor, academic officer, or any cadet officer or cadet petty officer, or instructor, as well as every other officer stationed at the United States Naval Academy, to promptly report to the superintendent thereof any fact which comes to his attention tending to indicate any violation by a midshipman or midshipmen of any of the provisions of this Act or any violation of the regulations of the said academy. Any naval officer attached to the academy who shall fail to make such report as provided in this section shall be tried by court-martial for neglect of duty and if convicted he shall be dismissed from the service. Any civilian instructor attached to the academy who shall fail to make such report as pro-

vided in this section shall be dismissed by the superintendent of the academy upon the approval of the Secretary of the Navy. [34 Stat. L. 105.]

SEC. 6. [*Effect — prior offenses — cadets may waive right to court-martial trial, etc.*] That this Act shall take effect from the date of its approval, but no midshipman now connected with the United States Naval Academy shall, by reason of its enactment, be punished for any offense heretofore committed otherwise than in pursuance of the sentence of a court-martial (if, by existing law, such sentence would be now necessary for such punishment) or punished more severely than is now by law allowed for any offense heretofore committed: *Provided*, That any midshipman now in said Naval Academy may waive his right to trial by court-martial under existing law for any offense of hazing heretofore committed and may accept punishment under the provisions of section two of this Act. [34 Stat. L. 105.]

[Act of June 29, 1906, ch. 3590.]

[SEC. 1.] [*Admission of foreign students restricted.*] * * * No person shall be admitted for instruction at the Naval Academy at Annapolis from any foreign country except upon authority of law hereafter enacted. [34 Stat. L. 577.]

This and the following paragraphs are from Naval Appropriation Act of June 29, 1906, ch. 3590.

[*Appointment of midshipmen — time of notification of vacancies changed — nomination of candidates, etc. — filling vacancies — candidates selected by the President.*] * * * Hereafter the Secretary of the Navy shall, as soon as possible after the first day of June of each year preceding the graduation of midshipmen in the succeeding year, notify in writing each Senator, Representative, and Delegate in Congress of any vacancy that will exist at the Naval Academy because of such graduation, or that may occur for other reasons and which he shall be entitled to fill by nomination of a candidate and one or more alternates therefor. The nomination of a candidate and alternate or alternates to fill said vacancy shall be made upon the recommendation of the Senator, Representative, or Delegate, if such recommendation is made by the fourth day of March of the year following that in which said notice in writing is given, but if it is not made by that time the Secretary of the Navy shall fill the vacancy by appointment of an actual resident of the State, Congressional district, or Territory, as the case may be, in which the vacancy will exist, who shall have been for at least two years immediately preceding the date of his appointment an actual and bona fide resident of the State, Congressional district, or Territory in which the vacancy will exist and of the legal qualification under the law as now provided. In cases where by reason of a vacancy in the membership of the Senate or House of Representatives, or by the death or declination of a candidate for admission to the academy there occurs or is about to occur at the academy a vacancy from any State, district, or Territory that can not be filled by nomination as herein provided, the same may be filled as soon thereafter and before the final entrance examination for the year as the Secretary of the Navy may determine. The candidates allowed for the District of Columbia and all the candidates appointed at large, together with alternates therefor, shall be selected by the President within the period herein prescribed for nomination of other candidates: *Provided*, That the President may select a candidate for the District of Columbia for the year nineteen hundred and eight. [34 Stat. L. 578.]

See note to preceding paragraph.

[*Appointment of additional professors of mathematics — transfer, etc., of records, war of the Revolution.*] That the President be authorized to appoint, by and with the advice and consent of the Senate, two additional professors of mathematics in the Navy, who shall be extra numbers in said list, and who shall take rank therein according to that held by them respectively when so appointed, if such appointees are officers of the Navy, otherwise at the foot of said list. That all records (such as muster and pay rolls and reports) relating to the personnel and operations of public and private armed vessels of the North American colonies in the war of the Revolution now in any of the Executive Departments shall be transferred to the Secretary of the Navy, to be preserved, indexed, and prepared for publication. [34 Stat. L. 579.]

See note on p. 332.

[*Returns by storekeeper — inspection.*] * * * That hereafter the storekeeper at the Naval Academy, authorized by section fifteen hundred and twenty-seven of the Revised Statutes, shall render quarterly returns of property to the Chief of the Bureau of Supplies and Accounts, under such regulations as the Secretary of the Navy may prescribe. A full report shall be made annually of receipts and expenditures by the Chief of the Bureau of Supplies and Accounts to the Secretary of the Navy: *And provided further*, That an inspection of the storekeeper's accounts shall be made quarterly by the general inspector of the Pay Corps, with such recommendation as he may deem necessary, to the Chief of the Bureau of Supplies and Accounts. [35 Stat. L. 153.]

This is from the Naval Appropriation Act of May 13, 1908, ch. 166. It is repeated in the Naval Appropriation Act of March 3, 1909, ch. 255, 35 Stat. L. 754.

R. S. sec. 1527, above mentioned, is given in 5 Fed. Stat. Annot. 222.

[*Use of crypt and windows of academy chapel restricted — memorials.*] * * * The crypt and window spaces of the United States Naval Academy chapel are to be used only for memorials to United States naval officers who have successfully commanded a fleet or squadron in battle, or who have received or may receive the thanks of the Congress of the United States for conspicuously distinguished services in time of war, and no memorial shall be accepted for or installed in said crypt or window spaces until at least five years after the death of the officer in question: *Provided*, That nothing in this provision shall be considered as invalidating any agreement made by the present or any former superintendent of the Naval Academy, authorizing a memorial window in the old Naval Academy chapel to be transferred to the new Naval Academy chapel. [35 Stat. L. 773.]

This is from the Naval Appropriation Act of March 3, 1909, ch. 255.

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above that actually held by him at the time of retirement: *Provided*, that this Act shall not apply to any officer who received an advance of grade at once the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special Act of Congress. Any officer of the Marine Corps below the grade of brigadier-general who died with credit as an officer or as an enlisted man in the regular or volunteer service during the civil war prior to April ninth, eighteen hundred and sixty-three, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this Act shall not apply to any officer who received an advance of grade since the date of his retirement and who has been restored to the Marine Corps and placed on the retired list by the provisions of a special Act of Congress. [34 Stat. L. 554.]

paragraph is referred to and construed in a provision contained in the Naval Appropriation Act of March 3, 1909, ch. 255, 35 Stat. L. 753, given *infra*, p. 397.

unfinished pay for shore duty repealed.] That the provision contained in section thirteen of an Act approved March third, eighteen hundred and eighty-nine, entitled "An Act to reorganize and increase the efficiency of the Navy and Marine Corps of the United States," reading as follows: "Provided, That such officers when on shore shall receive the allowance of fifteen per centum less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section twelve of this Act and the same is hereby, repealed. [34 Stat. L. 554.]

Section 13 of the Act of March 3, 1899, is given in 5 Fed. Stat. Annot. 322.

etc., of chaplains — rank — restriction.] That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service. The provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever warranted, to the grade of lieutenant-commander, which shall consist of the rank of lieutenant and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving. [34 Stat.

Lieutenants shall not exceed that of lieutenant-commanders, see provision from Act of March 3, 1899, ch. 255, 35 Stat. L. 127, *infra*, p. 390.

as to civil engineers and professors of mathematics.] That from the passage of this Act the allowances of civil engineers and professors of mathematics in the Navy shall be the same as are or may be provided for by the pursuance of law for naval constructors, and the allowances of civil engineers the same as for assistant naval constructors. [34

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Naval Academy, see that title.

Mail Clerks on Naval Vessels, see *POSTAL SERVICE*.

Certified Check in Lieu of Bond for Performance of Contracts, see *PUBLIC CONTRACTS*.

Retirement of Noncommissioned Officers, Petty Officers, and Enlisted Men, Act of March 2, 1907, see *WAR DEPARTMENT AND MILITARY ESTABLISHMENT*.

An Act To extend the provisions of the Act of March third, nineteen hundred and one, to officers of the Navy and Marine Corps advanced at any time under the provisions of sections fifteen hundred and six and sixteen hundred and five for eminent and conspicuous conduct in battle.

[Act of June 16, 1906, ch. 3338, 34 Stat. L. 296.]

[*Navy and marine corps — officers advanced for heroism, etc., to be carried as additional numbers on promotion.*] That officers of the Navy and Marine Corps advanced in rank for eminent and conspicuous conduct in battle or extraordinary heroism, and who since such advancement have been or may hereafter be promoted, shall from the date of the passage of this Act be carried as additional numbers of each grade in which they serve. [34 Stat. L. 296.]

The provision from the Act of March 3, 1901, referred to in the title of this Act, is given in 5 Fed. Stat. Annot. 297. For R. S. sec. 1605, see 5 Fed. Stat. Annot. 346.
5 Fed. Stat. Annot. 298. For R. S. sec. 1508,

An Act Providing for the retirement of petty officers and enlisted men of the Navy.

[Act of June 22, 1906, ch. 3518, 34 Stat. L. 451.]

[*Petty officers and enlisted men — service computed for retirement.*] That in computing the necessary thirty years' time for the retirement of petty officers and enlisted men of the Navy, all service in the Army, Navy, or Marine Corps shall be credited. [34 Stat. L. 451.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes.

[Act of June 29, 1906, ch. 3590, 34 Stat. L. 553.]

[SEC. 1.] [*Refund of enlistment bounty.*] * * * That the Secretary of the Navy may, in his discretion, require the whole or a part of the bounty allowed upon enlistment to be refunded in cases where men are discharged during the first year of enlistment, by request, for inaptitude, as undesirable, or for disability not incurred in line of duty. [34 Stat. L. 553.]

[*Officers not above captain advanced one grade on retirement for civil war service — Marine Corps — officers below brigadier-general advanced one grade on retirement for civil war service.*] * * * That any officer of the Navy not above the grade of captain who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Navy, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Navy with the rank and retired pay of one

grade above that actually held by him at the time of retirement: *Provided*, That this Act shall not apply to any officer who received an advance of grade at or since the date of his retirement or who has been restored to the Navy and placed on the retired list by virtue of the provisions of a special Act of Congress. That any officer of the Marine Corps below the grade of brigadier-general who served with credit as an officer or as an enlisted man in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, otherwise than as a cadet, and whose name is borne on the official register of the Marine Corps, and who has heretofore been, or may hereafter be, retired on account of wounds or disability incident to the service, or on account of age or after forty years' service, may, in the discretion of the President, by and with the advice and consent of the Senate, be placed on the retired list of the Marine Corps with the rank and retired pay of one grade above that actually held by him at the time of retirement: *Provided*, That this Act shall not apply to any officer who received an advance of grade since the date of his retirement or who has been restored to the Marine Corps and placed on the retired list by virtue of the provisions of a special Act of Congress. [34 Stat. L. 554.]

This paragraph is referred to and construed in a provision contained in the Naval Appropriation Act of March 3, 1909, ch. 255, 35 Stat. L. 753, given *infra*, p. 397.

[*Diminished pay for shore duty repealed.*] That the provision contained in section thirteen of an Act approved March third, eighteen hundred and ninety-nine, entitled "An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," reading as follows: "*Provided*, That such officers when on shore shall receive the allowances, but fifteen per centum less pay than when on sea duty; but this provision shall not apply to warrant officers commissioned under section twelve of this Act," be, and the same is hereby, repealed. [34 Stat. L. 554.]

Section 13 of the Act of March 3, 1899, is given in 5 Fed. Stat. Annot. 322.

[*Pay, etc., of chaplains — rank — restriction.*] That all chaplains now in the Navy above the grade of lieutenant shall receive the pay and allowances of lieutenant-commander in the Navy according to length of service under the provisions of law for that rank, and all chaplains now in the Navy in the grade of lieutenant shall receive their present sea pay when on shore duty: *Provided*, That naval chaplains hereafter appointed shall have the rank, pay, and allowances of lieutenant (junior grade) in the Navy until they shall have completed seven years of service, when they shall have the rank, pay, and allowances of lieutenant in the Navy; and lieutenants shall be promoted, whenever vacancies occur, to the grade of lieutenant-commander, which shall consist of five numbers, and when so promoted shall receive the rank, pay, and allowances of lieutenant-commander in the Navy: *Provided further*, That nothing herein contained shall be held or construed to increase the number of chaplains as now authorized by law or to reduce the rank or pay of any now serving. [34 Stat. L. 554.]

Pay of chaplains not to exceed that of lieutenant-commanders, see provision from Act of May 13, 1908, ch. 166, 35 Stat. L. 127, *infra*, p. 390.

[*Allowances to civil engineers and professors of mathematics.*] That from and after the passage of this Act the allowances of civil engineers and professors of mathematics in the Navy shall be the same as are or may be provided by or in pursuance of law for naval constructors, and the allowances of assistant civil engineers the same as for assistant naval constructors. [34 Stat. L. 555.]

[*Allowance to civil employees in island possessions.*] * * * That the accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made under the appropriation "Contingent, Navy," to civilian employees appointed by the Navy Department for duty in and serving at naval stations maintained in the island possessions during the fiscal year nineteen hundred and seven. [34 Stat. L. 555.]

[*Office of judge-advocate-general — solicitor's salary.*] The Solicitor in the office of the Judge-Advocate-General of the Navy shall hereafter receive an annual salary of four thousand dollars during the service of the present incumbent. [34 Stat. L. 555.]

[*Refund of cost of outfits on enlistment.*] * * * That hereafter the Secretary of the Navy may, in his discretion, require the whole or a part of the cost of outfits allowed upon enlistment to be refunded in cases where men are discharged during the first six months of enlistment for any cause other than disability incurred in line of duty. [34 Stat. L. 556.]

[*Employing beneficiaries in and about naval home.*] * * * That for the performance of such additional services in and about the Naval Home as may be necessary, the Secretary of the Navy is authorized to employ, on the recommendation of the governor, beneficiaries in said home, whose compensation shall be fixed by the Secretary and paid from the appropriation for the support of the home. [34 Stat. L. 557.]

Like provisions are contained in the Naval Appropriation Act of May 13, 1908, ch. 166, 35 Stat. L. 132, and the Act of March 3, 1909, ch. 255, 35 Stat. L. 758.

[*Navy rations—change in allowance—substitutions in rations—extra allowance of coffee, etc., night watches.*] * * * That sections fifteen hundred and eighty and fifteen hundred and eighty-one, Revised Statutes, be amended to read as follows:

"**Sec. 1580.** The navy ration shall consist of the following daily allowance of provisions to each person: One pound and a quarter of salt or smoked meat, with three ounces of dried or six ounces of canned or preserved fruit, and three gills of beans or pease, or twelve ounces of flour; or one pound of preserved meat, with three ounces of dried or six ounces of canned or preserved fruit and eight ounces of rice or twelve ounces of canned vegetables, or six ounces of desiccated vegetables; together with one pound of biscuit, two ounces of butter, four ounces of sugar, two ounces of coffee or cocoa, or one-half ounce of tea and one ounce of condensed milk or evaporated cream; and a weekly allowance of one-quarter pound of macaroni, four ounces of cheese, four ounces of tomatoes, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, four ounces of salt, one-half ounce of pepper, one-eighth ounce of spices, and one-half ounce of dry mustard. Seven pounds of lard, or a suitable substitute, shall be allowed for every hundred pounds of flour issued as bread, and such quantities of yeast and flavoring extracts as may be necessary.

"**Sec. 1581.** The following substitution for the components of the ration may be made when deemed necessary by the senior officer present in command: 'For one and one-quarter pounds of salt or smoked meat or one pound of preserved meat, one and three-quarter pounds of fresh meat or fresh fish, or eight eggs; in lieu of the articles usually issued with salt, smoked or preserved meat,

one and three-quarter pounds of fresh vegetables; for one pound of biscuit, one and one-quarter pounds of soft bread or eighteen ounces of flour; for three gills of beans or pease, twelve ounces of flour or eight ounces of rice or other starch food, or twelve ounces of canned vegetables; for one pound of condensed milk or evaporated cream, one quart of fresh milk; for three ounces of dried or six ounces of canned or preserved fruit, nine ounces of fresh fruit; and for twelve ounces of flour or eight ounces of rice or other starch food, or twelve ounces of canned vegetables, three gills of beans or pease; in lieu of the weekly allowance of one-quarter pound of macaroni, four ounces of cheese, one-half pint of vinegar or sauce, one-quarter pint of pickles, one-quarter pint of molasses, and one-eighth ounce of spices, three pounds of sugar, or one and a half pounds of condensed milk, or one pound of coffee, or one and a half pounds of canned fruit, or four pounds of fresh vegetables, or four pounds of flour. An extra allowance of one ounce of coffee or cocoa, two ounces of sugar, four ounces of hard bread or its equivalent, and four ounces of preserved meat or its equivalent shall be allowed to enlisted men of the engineer and dynamo force who stand night watches between eight o'clock postmeridian and eight o'clock antemeridian, under steam." [34 Stat. L. 570.]

For R. S. secs. 1580, 1581, see 5 Fed. Stat. Annot. 335, 336. See later amendment of R. S. sec. 1581 by Act of March 2, 1907, ch. 2512, *infra*, p. 000.

[*Marine corps — deposit of savings — credit to appropriation for pay of marine corps.*] * * * That hereafter enlisted men of the Marine Corps shall be entitled to deposit their savings with the United States, through any paymaster, in the same manner and under the same conditions as is now or may hereafter be provided for the enlisted men of the Navy: *Provided, however,* That the sums so deposited shall pass to the credit of the appropriation for pay of the Marine Corps. [34 Stat. L. 579.]

[Act of Feb. 26, 1907, ch. 1635.]

[SEC. 1.] [*Technical services of draftsmen, etc. — how paid for — report to Congress.*] * * * The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Ordnance, Equipment, Construction and Repair, and Steam Engineering to carry into effect the various appropriations for "Increase of the Navy," to be paid from such appropriations: *Provided,* That the expenditures on this account for the fiscal year nineteen hundred and eight shall not exceed one hundred and twenty thousand dollars; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates. [34 Stat. L. 972.]

This is from the Legislative, Executive, and Judicial Appropriation Act of Feb. 22, 1907, ch. 1635.

* * * The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations for "public works" to be paid from such appropriations: *Provided,* That the expenditures on this account for the fiscal year nineteen hundred and eight shall not exceed thirty thousand dollars; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates. [34 Stat. L. 972.]

This is from the Legislative, Executive, and Judicial Appropriation Act of Feb. 22, 1907, ch. 1635.

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes.

[Act of March 2, 1907, ch. 2512, 34 Stat. L. 1176.]

[SEC. 1.] [*Naval rations — change in allowance — unexpended balances reappropriated.*] * * * That section fifteen hundred and eighty-one of the Revised Statutes, as amended by Act of June twenty-ninth, nineteen hundred and six, be, and it is hereby, further amended by adding thereto a paragraph as follows: "Any article comprised in the Navy ration may be issued in excess of the authorized quantity, provided there be an under issue of the same value in some other article or articles: *And provided, further*, That the unexpended balances under appropriations 'Provisions, Navy,' for the fiscal years ending June thirtieth, nineteen hundred and five and nineteen hundred and six, are hereby reappropriated for 'Provisions, Navy,' for the fiscal year ending June thirtieth, nineteen hundred and eight." [34 Stat. L. 1193.]

R. S. sec. 1581 is given in 5 Fed. Stat. Annot, 336. See amendment of this section by Act of June 29, 1906, ch. 3590, *supra*, p. 388.

[*Purchases in open market.*] * * * That hereafter the purchase of supplies and the procurement of services for all branches of the naval service may be made in open market in the manner common among business men, without formal contract or bond, when the aggregate of the amount required does not exceed five hundred dollars, and when, in the opinion of the proper administrative officers, such limitation of amount is not designed to evade purchase under formal contract or bond, and equally or more advantageous terms can thereby be secured. [34 Stat. L. 1193.]

[*Reports on proposed repairs, etc., on vessels.*] * * * That the Secretary of the Navy shall hereafter report to Congress, at the commencement of each regular session, the number of vessels and their names upon which any repairs or changes are proposed which in any case shall amount to more than two hundred thousand dollars, the extent of such proposed repairs or changes, and the amounts estimated to be needed for the same in each vessel; and expenditures for such repairs or changes so limited shall be made only after appropriations in detail are provided for by Congress. [34 Stat. L. 1195.]

[*Marines detailed as cooks — pay.*] * * * That hereafter privates [in Marine Corps] regularly detailed and serving as cooks, shall receive, in addition to the pay otherwise allowed by law, the following: First-class cooks, ten dollars per month; second-class cooks, eight dollars; third-class cooks, seven dollars; and fourth-class cooks, five dollars. [34 Stat. L. 1200.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and nine, and for other purposes.

[Act of May 13, 1908, ch. 166, 35 Stat. L. 127.]

[SEC. 1.] [*Pay of navy.*] * * * Hereafter all commissioned officers of the active list of the Navy shall receive the same pay and allowances according to rank and length of service, and the annual pay of each grade shall be as follows: For Admiral, thirteen thousand five hundred dollars; rear-admiral, first nine, eight thousand dollars; rear-admiral, second nine, or commodore, six thousand dollars; captain, four thousand dollars; commander, three thousand five hundred dollars; lieutenant-commander, three thousand dollars; lieutenant,

two thousand four hundred dollars; lieutenant, junior grade, two thousand dollars; ensign, one thousand seven hundred dollars. There shall be allowed and paid to each commissioned officer below the rank of rear-admiral ten per centum of his current yearly pay for each term of five years service in the Army, Navy and Marine Corps. The total amount of such increase for length of service shall in no case exceed forty per centum on the yearly pay of the grade as provided by law: *Provided*, That the annual pay of captain shall not exceed five thousand dollars per annum; of commander, four thousand five hundred dollars per annum; and of lieutenant-commander, four thousand dollars per annum. All officers on sea duty and all officers on shore duty beyond the continental limits of the United States shall while so serving receive ten per centum additional of their salaries and increase as above provided, and such increase shall commence from the date of reporting for duty on board ship or the date of sailing from the United States for shore duty beyond the seas or to join a ship in foreign waters. The pay of midshipmen shall hereafter be six hundred dollars per annum while at the Naval Academy, and one thousand four hundred dollars per annum after graduation from the Naval Academy. The pay of all warrant officers and mates is hereby increased twenty-five per centum, and all paymasters' clerks shall, while on duty, receive the same pay and allowances as warrant officers of like length of service in the Navy. The pay of all active and retired enlisted men of the Navy is hereby increased ten per centum: *Provided further*, That the pay and allowances of chiefs of bureaus in the Navy Department shall be the highest pay of the grade to which they belong, and not below that of rear-admiral of the lower nine, and that the pay and allowances of chaplains in the Navy shall in no case exceed that provided for lieutenant-commanders. Aids to rear-admirals embraced in the nine lower numbers of that grade shall each receive one hundred and fifty dollars additional per annum, and aids to all other rear-admirals, two hundred dollars additional per annum each. When an officer of the Navy has been thirty years in the service, he may, upon his own application, in the discretion of the President, be retired from active service and placed upon the retired list with three-fourths of the highest pay of his grade: *And provided further*, That any officer of the Navy who is now serving or shall hereafter serve as chief of a bureau in the Navy Department, and shall subsequently be retired, shall be retired with the rank, pay and allowances authorized by law for the retirement of such bureau chief. The pay of all commissioned, warrant and appointed officers and enlisted men of the Navy now on the retired list shall be based on the pay, as herein provided for, of commissioned, warrant and appointed officers and enlisted men of corresponding rank and service on the active list; and all pay herein provided shall remain in force until changed by Act of Congress. Nothing herein shall be construed so as to reduce the pay or allowances now authorized by law for any commissioned, warrant or appointed officer or any enlisted man of the active or retired lists of the Navy, and all laws inconsistent with this provision are hereby repealed.

That hereafter immediately upon official notification of the death from wounds or disease contracted in line of duty of any officer or enlisted man on the active list of the Navy and Marine Corps the Paymaster-General of the Navy shall cause to be paid to the widow of such officer or enlisted man, or any person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man, to defray expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secre-

tary of the Navy shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of death, and said amount shall be paid to that person from funds appropriated for the pay of the Navy and Marine Corps. [35 Stat. L. 127.]

[*Nurse corps, female.*] * * * The nurse corps (female) of the United States Navy is hereby established, and shall consist of one superintendent, to be appointed by the Secretary of the Navy, who shall be a graduate of a hospital training school having a course of instruction of not less than two years, whose term of office may be terminated at his discretion, and of as many chief nurses, nurses, and reserve nurses as may be needed: *Provided*, That all nurses in the nurse corps shall be appointed or removed by the Surgeon-General, with the approval of the Secretary of the Navy, and that they shall be graduates of hospital training schools having a course of instruction not less than two years. The appointment of superintendent, chief nurses, nurses, and reserve nurses shall be subject to an examination as to their professional, moral, mental, and physical fitness, and that they shall be eligible for duty at naval hospitals and on board of hospital and ambulance ships and for such special duty as may be deemed necessary by the Surgeon-General of the Navy. Reserve nurses may be assigned to active duty when the necessities of the service demand, and when on such duty shall receive the pay and allowances of nurses: *Provided*, That they shall receive no compensation except when on active duty. The superintendent, chief nurses, and nurses shall respectively receive the same pay, allowances, emoluments, and privileges as are now or may hereafter be provided by or in pursuance of law for the nurse corps (female) of the Army. [35 Stat. L. 146.]

[*Hospital corps — pay of enlisted men.*] The pay of enlisted men of the Hospital Corps shall be the same as that provided for the corresponding ratings of the seaman branch and other staff corps of the Navy. [35 Stat. L. 146.]

[*Navy bands not to compete with civilian.*] * * * Navy bands or members thereof, other than the United States Naval Academy band at Annapolis, Maryland, shall not receive remuneration for furnishing music outside the limits of military posts, when the furnishing of such music places them in competition with local civilian musicians. [35 Stat. L. 153.]

[*Marine corps — officers and enlisted men increased — vacancies.*] * * * That from and after the passage of this Act, and in order to further increase the efficiency of the United States Marine Corps, the following additional officers, noncommissioned officers, drummers, trumpeters, and privates to those now provided by law for said corps are hereby authorized and directed, namely: One major-general commandant, in lieu of the present brigadier-general commandant; one colonel; one lieutenant-colonel; two majors; eighteen captains; seven first lieutenants; fourteen second lieutenants; one assistant adjutant and inspector, with the rank of lieutenant-colonel; one assistant quartermaster, with the rank of lieutenant-colonel; one assistant quartermaster, with the rank of major; and three assistant quartermasters, with the rank of captain; one assistant paymaster, with the rank of major; one assistant paymaster, with the rank of captain; two sergeant-majors; fifteen quartermaster-sergeants, five of whom are to serve in the pay department; twenty first sergeants; fifty sergeants; one hundred and twenty-five corporals; ten drummers; ten trumpeters; and five hundred and eighteen privates: *Provided*, That hereafter the number of enlisted men in the United States Marine Corps shall be such as the Congress may from time to time authorize.

That the vacancies now existing in the line and staff departments of the United States Marine Corps and those created by this Act shall be filled in the manner provided by law. [35 Stat. L. 155.]

[*Marine corps — rations while on shore duty.*] * * * no law shall be construed to entitle marines on shore duty to any rations, or commutation thereof, other than such as now are or may hereafter be allowed to enlisted men in the Army: *Provided, however,* That when it is impracticable or the expense is found greater to supply marines serving on shore duty in the island possessions and on foreign stations with the army ration, such marines may be allowed the navy ration or commutation therefor. [35 Stat. L. 156.]

Like provisions are contained in prior appropriation acts, and this is repeated in the Act of March 3, 1909, ch. 255, 35 Stat. L. 775.

[*Monitors — restriction on naming, removed.*] * * * So much of the Act entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, eighteen hundred and ninety-nine, and for other purposes," approved May fourth, eighteen hundred and ninety-eight, as provides that monitors owned by the United States shall be named for the States, and shall not be named for any city, place, or person until the names of the States shall have been exhausted, is hereby repealed, and monitors now owned by the United States or hereafter built may be named as the President may direct. [35 Stat. L. 159.]

For the provision relative to naming monitors hereby repealed, see 5 Fed. Stat. Annot. 300.

An Act Authorizing the Secretary of the Navy to accept and care for gifts presented to vessels of the Navy of the United States.

[Act of May 20, 1908, ch. 182, 35 Stat. L. 171.]

[*Care, etc., of gifts presented to vessels.*] That the Secretary of the Navy is hereby authorized to accept and care for such gifts in the form of silver, colors, books, or other articles of equipment or furniture as, in accordance with custom, may be presented to vessels of the Navy by States, municipalities, or otherwise. The necessary expense incident to the care and preservation of gifts of this character which have been or may hereafter be accepted shall be defrayed from the appropriation "equipment of vessels." [35 Stat. L. 171.]

[*Bureau of construction and repair — technical services — statement of persons employed.*] * * * The services of draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureaus of Ordnance, Equipment, Construction and Repair, and Steam Engineering to carry into effect the various appropriations for "Increase of the Navy," to be paid from such appropriations: *Provided,* That the expenditures on this account for the fiscal year nineteen hundred and nine shall not exceed one hundred and twenty thousand dollars; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates. [35 Stat. L. 222.]

This and the next paragraph are from the Legislative, Executive, and Judicial Appropriation Act of May 22, 1908, ch. 186.

[*Bureau of yards and docks — technical services — statement of persons employed.*] * * * The services of skilled draftsmen and such other technical services as the Secretary of the Navy may deem necessary may be employed only in the Bureau of Yards and Docks to carry into effect the various appropriations for "public works" to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year nineteen hundred and nine shall not exceed thirty thousand dollars; a statement of the persons employed hereunder, their duties, and the compensation paid to each shall be made to Congress each year in the annual estimates. [35 Stat. L. 223.]

[*Settlement of amounts due intestate deceased officers and enlisted men.*] Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Navy and Marine Corps, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if the decedent left no widow, or widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided father has not abandoned the support of his family, in which case to the mother alone; fourth, if either the father or mother be dead, then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this Act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. [35 Stat. L. 373.]

This is from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

An Act To promote the administration of justice in the Navy.

[Act of Feb. 16, 1909, ch. 131, 35 Stat. L. 621.]

[SEC. 1.] [*Courts to try enlisted men for minor offenses.*] That courts for the trial of enlisted men in the Navy and Marine Corps for minor offenses now triable by summary court-martial may be ordered by the commanding officer of a naval vessel, by the commandant of a navy-yard or station, by a commanding officer of marines, or by higher naval authority. [35 Stat. L. 621.]

See ARTICLES FOR THE GOVERNMENT OF THE NAVY, 1 Fed. Stat. Annot. 458.

SEC. 2. [*Deck courts — composition of — powers.*] That such courts shall be known as "deck courts," and shall consist of one commissioned officer only, who, while serving in such capacity shall have power to administer oaths, to hear and determine cases, and to impose, in whole or in part, the punishments prescribed by article thirty of the Articles for the Government of the Navy: *Provided*, That in no case shall such courts adjudge discharge from the service or adjudge confinement of [*sic*] forfeiture of pay for a longer period than twenty days. [35 Stat. L. 621.]

SEC. 3. [*Recorder to be detailed.*] That any person in the Navy under command of the officer by whose order a deck court is convened may be detailed to act as recorder thereof. [35 Stat. L. 621.]

SEC. 4. [*Review, etc., of sentence.*] That the officer within whose command a deck court is sitting shall have full power as reviewing authority to remit or mitigate, but not to commute, any sentence imposed by such court; but no sentence of a deck court shall be carried into effect until it shall have been so approved or mitigated, and such officer shall have power to pardon any punishment such court may adjudge. [35 Stat. L. 621.]

SEC. 5. [*Procedure, etc.*] That the courts hereby authorized shall be governed in all details of their constitution, powers, and procedure, except as herein provided, by such rules and regulations as the President may prescribe. [35 Stat. L. 621.]

SEC. 6. [*Record of proceedings—review of record by judge-advocate-general.*] That the records of the proceedings of the courts hereby authorized shall contain such matters only as are necessary to enable the reviewing authorities to act intelligently thereon, except that if the party accused demands it within thirty days after the decision of the deck court shall become known to him, the entire record or so much as he desires shall be sent to the reviewing authority. Such records, after action thereon by the convening authority, shall be forwarded directly to, and shall be filed in, the Office of the Judge-Advocate-General of the Navy, where they shall be reviewed, and, when necessary, submitted to the Secretary of the Navy for his action. [35 Stat. L. 621.]

SEC. 7. [*Right of objection, etc.*] That no person who objects thereto shall be brought to trial before a deck court. Where such objection is made by the person accused, trial shall be ordered by summary or by general court-martial, as may be appropriate. [35 Stat. L. 621.]

SEC. 8. [*Adjudging punishments—use of irons abolished.*] That the courts authorized to impose the punishments prescribed by article thirty of the Articles for the Government of the Navy may adjudge either a part or the whole, as may be appropriate, of any one of the punishments therein enumerated: *Provided*, That the use of irons, single or double, is hereby abolished, except for the purpose of safe custody or when part of a sentence imposed by a general court-martial. [35 Stat. L. 621.]

The abolishment of the use of irons is also found in the Naval Appropriation Act of May 13, 1908, ch. 166, 35 Stat. L. 132.

SEC. 9. [*Court-martial proceedings may be set aside.*] That the Secretary of the Navy may set aside the proceedings or remit or mitigate, in whole or in part, the sentence imposed by any naval court-martial convened by his order or by that of any officer of the Navy or Marine Corps. [35 Stat. L. 621.]

SEC. 10. [*Authority to convene.*] That general courts-martial may be convened by the President, by the Secretary of the Navy, by the commander in chief of a fleet or squadron, and by the commanding officer of any naval station beyond the continental limits of the United States. [35 Stat. L. 621.]

SEC. 11. [*Court of inquiry, etc., may issue process, etc.*] That a naval court-martial or court of inquiry shall have power to issue like process to compel witnesses to appear and testify which United States courts of criminal jurisdiction within the State, Territory, or District where such naval court shall be ordered to sit may lawfully issue. [35 Stat. L. 621.]

SEC. 12. [*Witnesses — punishment for failure to appear — fees, etc. — incriminating testimony.*] That any person duly subpoenaed to appear as a witness before a general court-martial or court of inquiry of the Navy, who willfully neglects or refuses to appear, or refuses to qualify as a witness or to testify or produce documentary evidence, which such person may have been legally subpoenaed to produce, shall be deemed guilty of a misdemeanor, for which such person shall be punished on information in the district court of the United States; and it shall be the duty of the United States District Attorney, on the certification of the facts to him by such naval court to file an information against and prosecute the persons so offending, and the punishment of such person, on conviction, shall be a fine of not more than five hundred dollars or imprisonment not to exceed six months, or both, at the discretion of the court: *Provided*, That this shall not apply to persons residing beyond the State, Territory, or District in which such naval court is held, and that the fees of such witnesses and his mileage at the rates provided for witnesses in the United States district court for said State, Territory, or District shall be duly paid or tendered said witness, such amounts to be paid by the Bureau of Supplies and Accounts out of the appropriation for compensation of witnesses: *Provided further*, That no witness shall be compelled to incriminate himself or to answer any question which may tend to incriminate or degrade him. [35 Stat. L. 622.]

SEC. 13. [*Allowance to prisoners.*] That persons confined in prisons in pursuance of the sentence of a naval court-martial shall, during such confinement, be allowed a reasonable sum, not to exceed three dollars per month, for necessary prison expenses, and shall upon discharge be furnished with suitable civilian clothing and paid a gratuity, not to exceed twenty-five dollars: *Provided*, That such allowances shall be made in amounts to be fixed by, and in the discretion of, the Secretary of the Navy and only in cases where the prisoners so discharged would otherwise be unprovided with suitable clothing or without funds to meet their immediate needs. [35 Stat. L. 622.]

SEC. 14. [*Procedure in summary courts — record may be destroyed after two years.*] That section sixteen hundred and twenty-four, article thirty-four, Revised Statutes of the United States, is hereby amended as follows: "The proceedings of summary courts-martial shall be conducted with as much conciseness and precision as may be consistent with the ends of justice, and under such forms and rules as may be prescribed by the Secretary of the Navy, with the approval of the President, and all such proceedings shall be transmitted in the usual mode to the Navy Department, where they shall be kept on file for a period of two years from date of trial, after which time they may be destroyed in the discretion of the Secretary of the Navy." [35 Stat. L. 622.]

R. S. sec. 1624, art. 34, is given in 1 Fed. Stat. Annot. 471.

SEC. 15. [*Arrest of deserters by civil officers.*] That it shall be lawful for any civil officer having authority under the laws of the United States or of any State, Territory, or District to arrest offenders, to summarily arrest a deserter from the Navy or Marine Corps of the United States and deliver him into the custody of the naval authorities. [35 Stat. L. 622.]

SEC. 16. [*Depositions.*] That the depositions of witnesses may be taken on reasonable notice to the opposite party, and when duly authenticated, may be put in evidence before naval courts, except in capital cases and cases where the punishment may be imprisonment or confinement for more than one year as follows: First, depositions of civilian witnesses residing outside the State,

Territory, or District in which a naval court is ordered to sit; second, depositions of persons in the naval or military service stationed or residing outside the State, Territory, or District in which a naval court is ordered to sit, or who are under orders to go outside of such State, Territory, or District; third, where such naval court is convened on board a vessel of the United States, or at a naval station not within any State, Territory, or District of the United States, the depositions of witnesses may be taken and used as herein provided whenever such witnesses reside or are stationed at such a distance from the place where said naval court is ordered to sit, or are about to go to such a distance as, in the judgment of the convening authority, would render it impracticable to secure their personal attendance. [35 Stat. L. 622.]

SEC. 17. [*Approval of sentences.*] That all sentences of summary courts-martial may be carried into effect upon the approval of the senior officer present, and all sentences of deck courts may be carried into effect upon approval of the convening authority or his successor in office. [35 Stat. L. 623.]

SEC. 18. [*Repeal.*] That all Acts or parts of Acts inconsistent herewith are hereby repealed. [35 Stat. L. 623.]

An Act Making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and ten, and for other purposes.

[Act of March 3, 1909, ch. 255, 35 Stat. L. 753.]

[SEC. 1.] [*Rank and pay of retired officers — increased grade for civil war service.*] * * * The provisions of the Act approved June twenty-ninth, nineteen hundred and six, entitled "An Act making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes," providing for the retirement in the next higher grade of officers of the navy who served during the civil war, shall not operate to deprive any officer of the navy who has been, or may be, retired, since the passage of that Act, of the right to increased rank and pay to which, but for the passage of said Act, he would have been entitled. [35 Stat. L. 753.]

The provisions of the Act of June 29, 1906, above mentioned, are given *supra*, p. 380.

[*Payment to officers on temporary leaves.*] The accounting officers of the Treasury are hereby authorized and directed to allow, in the settlement of accounts of disbursing officers involved, payments made to officers of the navy while on temporary leaves of absence since March third, eighteen hundred and ninety-nine, not involving detachment from duty, and not in excess of leaves of absence allowed by law to officers of the army without reduction in pay. [35 Stat. L. 754.]

[*Secretary of Navy to fix, etc., pay of clerical, drafting, etc., force — leaves for per diem employees.*] * * * That hereafter the rates of pay of the clerical, drafting, inspection, and messenger force at navy-yards and naval stations and other stations and offices under the Navy Department shall be paid from lump appropriations and shall be fixed by the Secretary of the Navy on a per annum or per diem basis as he may elect; that the number may be increased or decreased at his option and shall be distributed at the various navy-yards and naval stations by the Secretary of the Navy to meet the needs of the naval service, and that such per diem employees may hereafter, in the discretion of the Secretary of the Navy, be granted leave of absence not to exceed

fifteen days in any one year, which leave may, in exceptional and meritorious cases, where such an employee is ill, be extended, in the discretion of the Secretary of the Navy, not to exceed fifteen days additional in any one year; that the total amount expended annually for pay for such clerical, drafting, inspection, and messenger force shall not exceed the amounts specifically allowed by Congress under the several lump appropriations, and that the Secretary of the Navy shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each. [35 Stat. L. 754.]

[*Employees at navy yards and stations — preference for reinstatements.*] That persons employed in the clerical, drafting, and inspection force at navy-yards and stations discharged for lack of work or insufficiency of funds shall for one year thereafter be preferred for employment in such navy-yards and stations in the clerical, drafting, inspection, and messenger forces; that section fifteen hundred and forty-five, Revised Statutes, and so much of section fifteen hundred and fifty-six of the Revised Statutes as relates to pay of clerks to commandants of navy-yards and naval stations, are hereby repealed. [35 Stat. L. 755.]

For R. S. secs. 1545 and 1556, see 5 Fed. Stat. Annot. 303, 316.

[*Discharged naval prisoners — transportation of — civilian clothing.*] * * * That the Secretary of the Navy is hereafter authorized to transport to their homes or places of enlistment, as he may designate, all discharged naval prisoners; the expense of such transportation shall be paid out of any money that may be to the credit of prisoners when discharged; where there is no such money, the expense shall be paid out of money received from fines and forfeitures imposed by naval courts-martial: *Provided further*, That the Secretary of the Navy is hereby authorized to furnish naval prisoners upon discharge suitable civilian clothing in case, and only where, said discharged prisoners would otherwise be unprovided with suitable clothing to meet their immediate needs. [35 Stat. L. 756.]

[*Courts-martial prisoners — commutation rations.*] * * * That the Secretary of the Navy is authorized to commute rations for such general courts-martial prisoners in such amounts as seem to him proper, which may vary in accordance with the location of the naval prison, but which shall in no case exceed thirty cents per diem for each ration so commuted. [35 Stat. L. 767.]

[*Sales of stores to officers, men, and civilian employees.*] * * * That hereafter such stores as the Secretary of the Navy may designate may be procured and sold to officers and enlisted men of the Navy and Marine Corps, also to civilian employees at naval stations beyond the continental limits of the United States and in Alaska, under such regulations as the Secretary of the Navy may prescribe. [35 Stat. L. 768.]

Like provisions are contained in previous appropriation acts, see 34 Stat. L. 570, 34 Stat. L. 1192, 35 Stat. L. 146.

[*Report of secretary as to repairs on ships.*] * * * That hereafter it shall be the duty of the Secretary of the Navy to report to Congress at the beginning of each regular session thereof, in addition to the report directed to be made in the Act of March second, nineteen hundred and seven, making appropriations for the naval service for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes, a detailed statement showing the amount expended from each of the appropriations for the repair of every ship where

such repairs exceed for any one ship the sum of two hundred thousand dollars in any one fiscal year. [35 Stat. L. 769.]

[*Machinists — title of warrant machinists changed to — promotion to chief machinists — eligible to grade of ensign.*] * * * The title of warrant machinist is hereby changed to machinist; and all machinists shall, after six years from date of warrant, be commissioned chief machinists, to rank with, but after, ensign, and shall, on promotion, have the same pay and allowances as are allowed chief boatswains, chief gunners, chief carpenters, and chief sailmakers, and no machinist shall be promoted until he shall have passed such examination before a board as the Secretary of the Navy may prescribe, and no warrant officer, heretofore or hereafter promoted six years from date of warrant, shall suffer a reduction in pay which, but for such promotion, would have been received by him: *Provided*, That chief boatswains, chief gunners, and chief machinists shall be eligible for appointment to the grade of ensign under the restrictions imposed by law upon the appointment of boatswains, gunners, and warrant machinists to that grade. [35 Stat. L. 771.]

[*Marine corps — settlement of traveling expense claims.*] MARINE CORPS. * * * That hereafter the settlement of all traveling expense claims, where the payment of such is authorized by existing law, and the determination of distances and of what constitutes the shortest usually traveled route in the meaning of laws relating to traveling allowances, shall accord to such rules as the Secretary of the Navy may prescribe. [35 Stat. L. 774.]

[*Marine corps — restriction on extra-duty pay.*] * * * That hereafter extra-duty pay will not be allowed to enlisted men of the Marine Corps except when they are regularly detailed thereon by a written order of the commandant of the corps. [35 Stat. L. 776.]

NEGLIGENCE.

See *RAILROADS*.

NEUTRALITY.

Offenses Against, see *PENAL LAWS*.

NEW MEXICO.

Admission into Union, see *STATES*.
Courts in, see *TERRITORIAL COURTS*.

NEW YORK HARBOR.

See *RIVERS, HARBORS, AND CANALS.*

NIAGARA RIVER.

See *RIVERS, HARBORS, AND CANALS.*

NOBEL PRIZE.

See *INDUSTRIAL PEACE FOUNDATION.*

NOTARIES PUBLIC.

Act of June 28, 1906, Ch. 3585.

Acknowledgments of Deeds, etc., in Guam, Samoa, and Canal Zone—Certificates.

An Act For the acknowledgment of deeds and other instruments in Guam, Samoa, and the Canal Zone to affect lands in the District of Columbia and other Territories.

[Act of June 28, 1906, ch. 3585, 34 Stat. L. 552.]

[*Acknowledgments of deeds, etc., in Guam, Samoa, and Canal Zone—certificates.*] That deeds and other instruments affecting land situate in the District of Columbia or any Territory of the United States may be acknowledged in the islands of Guam and Samoa or in the Canal Zone before any notary public or judge, appointed therein by proper authority, or by any officer therein who has ex officio the powers of a notary public: *Provided*, That the certificate by such notary in Guam, Samoa, or the Canal Zone, as the case may be, shall be accompanied by the certificate of the governor or acting governor of such place to the effect that the notary taking said acknowledgment was in fact the officer he purported to be; and any deeds or other instruments affecting lands so situate, so acknowledged since the first day of January, nineteen hundred and five, and accompanied by such certificate shall have the same effect as such deeds or other instruments hereafter so acknowledged and certified. [34 Stat. L. 552.]

OBSTRUCTING PROCESS.

See *PENAL LAWS*.

OFFICERS OF MERCHANT VESSELS.

Act of Jan. 25, 1907, Ch. 398, 401.

Navigation — R. S. Sec. 4438 Amended — Licenses for Masters, etc., Modified — Penalty for Violation, 401.

Act of Feb. 19, 1907, Ch. 991, 401.

Steam Vessels — R. S. Sec. 4446 Amended — License to Be Exhibited — Temporary Transfer to Another Vessel — Penalty for Violation, 401.

Act of May 28, 1908, Ch. 212, 402.

Sec. 2. Licensed Officers — R. S. Sec. 4438 Amended, 402.

An Act Concerning licensed officers of vessels.

[Act of Jan. 25, 1907, ch. 398, 34 Stat. L. 864.]

[*Navigation — R. S. sec. 4438 amended.*] That section forty-four hundred and thirty-eight of the Revised Statutes be, and is hereby, amended to read as follows:

“**Sec. 4438.** [*Licenses for masters, etc., modified — penalty for violation.*] The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person, or for any person to serve, as a master, chief mate, engineer in charge of a watch, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons, or of any other vessel of over one hundred gross tons carrying passengers for hire, who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense.” [34 Stat. L. 864.]

R. S. sec. 4438 is given in 5 Fed. Stat. Annot. 398.

An Act To amend section forty-four hundred and forty-six of the Revised Statutes, relating to licensed masters, mates, engineers, and pilots.

[Act of Feb. 19, 1907, ch. 991, 34 Stat. L. 897.]

[*Steam vessels — R. S. sec. 4446 amended.*] That section forty-four hundred and forty-six of the Revised Statutes, as the same is now in force and effect, be, and the same is hereby, amended so as to read as follows:

“**Sec. 4446.** [*License to be exhibited — temporary transfer to another vessel — penalty for violation.*] Every master, mate, engineer, and pilot who shall receive a license shall, when employed upon any vessel, within forty-eight hours

after going on duty, place his certificate of license, which shall be framed under glass, in some conspicuous place in such vessel, where it can be seen by passengers and others at all times: *Provided*, That in case of emergency such officer may be transferred to another vessel of the same owners for a period not exceeding forty-eight hours without the transfer of his license to such other vessel; and for every neglect to comply with this provision by any such master, mate, engineer, or pilot, he shall be subject to a fine of one hundred dollars, or to the revocation of his license." [84 Stat. L. 897.]

For R. S. sec. 4446, see 5 Fed. Stat. Annot. 401.

An Act To amend the laws relating to navigation, and for other purposes.

[Act of May 28, 1908, ch. 312, 35 Stat. L. 424.]

SEC. 2. [Licensed officers — R. S. sec. 4438 amended.] That section forty-four hundred and thirty-eight of the Revised Statutes is hereby amended to read as follows sixty days after the passage of this Act:

"**Sec. 4438.** The boards of local inspectors shall license and classify the masters, chief mates, and second and third mates, if in charge of a watch, engineers, and pilots of all steam vessels, and the masters of sail vessels of over seven hundred gross tons, and all other vessels of over one hundred gross tons carrying passengers for hire. It shall be unlawful to employ any person or for any person to serve as a master, chief mate, engineer, or pilot of any steamer or as master of any sail vessel of over seven hundred gross tons or of any other vessel of over one hundred gross tons carrying passengers for hire who is not licensed by the inspectors; and anyone violating this section shall be liable to a penalty of one hundred dollars for each offense." [35 Stat. L. 425.]

For R. S. sec. 4438, as it read prior to this amendment, see 5 Fed. Stat. Annot. 398.
For the other sections of this Act, see the title SHIPPING AND NAVIGATION.

OKLAHOMA.

Indians, see that title.

Jurors for District Courts in, see *JURORS*.

Public Lands, see that title.

Admission into Union, see *STATES*.

OPIUM.

See *IMPORTS AND EXPORTS*.

OYSTER DREDGES.

See *COLLISIONS*.

PACKING HOUSES.

See *ANIMALS*.

PANAMA CANAL.

See *RIVERS, HARBORS, AND CANALS*.

PASSENGERS.

See *CARRIERS; IMMIGRATION; RAILROADS; STEAM VESSELS*.

PASSPORTS.

See *CITIZENSHIP*.

PATENTS.

Act of May 23, 1908, Ch. 188, 403.

Patents — Rights of Legal Representatives of Inventor, 403.

Act of May 23, 1908, Ch. 189, 404.

Date of Patent — Time of Final Fee Payment Increased, 404.

An Act To amend section forty-eight hundred and ninety-six of the Revised Statutes.

[Act of May 23, 1908, ch. 188, 35 Stat. L. 245.]

[*Patents — rights of legal representatives of inventor.*] That section forty-eight hundred and ninety-six of the Revised Statutes be, and the same is hereby, amended so that the section shall read as follows:

“Sec. 4896. When any person, having made any new invention or discovery for which a patent might have been granted, dies before a patent is granted the right of applying for and obtaining the patent shall devolve on his executor or administrator, in trust for the heirs at law of the deceased, in case

he shall have died intestate; or if he shall have left a will disposing of the same, then in trust for his devisees in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him in his lifetime; and when any person having made any new invention or discovery for which a patent might have been granted becomes insane before a patent is granted the right of applying for and obtaining the patent shall devolve on his legally appointed guardian, conservator, or representative in trust for his estate in as full manner and on the same terms and conditions as the same might have been claimed or enjoyed by him while sane; and when the application is made by such legal representatives the oath or affirmation required to be made shall be so varied in form that it can be made by them. The executor or administrator duly authorized under the law of any foreign country to administer upon the estate of the deceased inventor shall, in case the said inventor was not domiciled in the United States at the time of his death, have the right to apply for and obtain the patent. The authority of such foreign executor or administrator shall be proved by certificate of a diplomatic or consular officer of the United States.

"The foregoing section, as to insane persons, is to cover all applications now on file in the Patent Office or which may be hereafter made." [35 Stat. L. 245.]

R. S. sec. 4896, as it read prior to this amendment, is given in 10 Fed. Stat. Annot. 252. As originally enacted and as first amended this section is set forth in 5 Fed. Stat. Annot. 493.

An Act To amend section forty-eight hundred and eighty-five of the Revised Statutes.

[Act of May 23, 1900, ch. 180, 35 Stat. L. 246.]

[*Date of patent — time of final fee payment increased.*] That section forty-eight hundred and eighty-five of the Revised Statutes be, and the same hereby is, amended to read as follows:

"**Sec. 4885.** Every patent shall issue within a period of three months from the date of the payment of the final fee, which fee shall be paid not later than six months from the time at which the application was passed and allowed and notice thereof was sent to the applicant or his agent; and if the final fee is not paid within that period the patent shall be withheld." [35 Stat. L. 246.]

R. S. sec. 4885, hereby amended, is given in 5 Fed. Stat. Annot. 420.

PEACE.

See *INDUSTRIAL PEACE FOUNDATION.*

PENAL LAWS.

- Chapter I. OFFENSES AGAINST THE EXISTENCE OF THE GOVERNMENT, 405.
II. OFFENSES AGAINST NEUTRALITY, 407.
III. OFFENSES AGAINST THE ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS, 410.
IV. OFFENSES AGAINST THE OPERATIONS OF THE GOVERNMENT, 412.
V. OFFENSES RELATING TO OFFICIAL DUTIES, 427.
VI. OFFENSES AGAINST PUBLIC JUSTICE, 437.
VII. OFFENSES AGAINST THE CURRENCY, COINAGE, ETC., 443.
VIII. OFFENSES AGAINST THE POSTAL SERVICE, 453.
IX. OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE, 470.
X. THE SLAVE TRADE AND PEONAGE, 475.
XI. OFFENSES WITHIN THE ADMIRALTY AND MARITIME AND THE TERRITORIAL JURISDICTION OF THE UNITED STATES, 481.
XII. PIRACY AND OTHER OFFENSES UPON THE SEAS, 485.
XIII. CERTAIN OFFENSES IN THE TERRITORIES, 490.
XIV. GENERAL AND SPECIAL PROVISIONS, 493.
XV. REPEALING PROVISIONS, 496.

An Act To codify, revise, and amend the penal laws of the United States.

[*Act of March 4, 1909, ch. 321, 35 Stat. L. 1080.*]

That the penal laws of the United States be, and they hereby are, codified, revised, and amended, with title, chapters, headnotes, and sections, entitled, numbered, and to read as follows:

CRIMES.

CHAPTER ONE.

OFFENSES AGAINST THE EXISTENCE OF THE GOVERNMENT.

Sec.

1. Treason.
2. Punishment of treason.
3. Misprision of treason.
4. Inciting or engaging in rebellion or insurrection.
5. Criminal correspondence with foreign governments.

Sec.

6. Seditious conspiracy.
7. Recruiting soldiers or sailors to serve against the United States.
8. Enlistment to serve against the United States.

SEC. 1. [*Treason.*] Whoever, owing allegiance to the United States, levies war against them or adheres to their enemies, giving them aid and comfort within the United States or elsewhere, is guilty of treason. [*35 Stat. L. 1088.*]

See R. S. sec. 5331, 7 Fed. Stat. Annot. 348.

The notes under the various sections of this Act pointing out the changes made and the reasons therefor are generally taken from the report of the Special Joint Committee on the Revision of the Laws of the Sixtieth Congress. In a few instances the editor has made his own comment.

SEC. 2. [*Punishment of treason.*] Whoever is convicted of treason shall suffer death; or, at the discretion of the court, shall be imprisoned not less than five years and fined not less than ten thousand dollars, to be levied on and collected out of any or all of his property, real and personal, of which he was the owner at the time of committing such treason, any sale or conveyance to the contrary notwithstanding; and every person so convicted of treason shall, moreover, be incapable of holding any office under the United States. [35 Stat. L. 1088.]

See R. S. sec. 5332, 7 Fed. Stat. Annot. 351.

SEC. 3. [*Misprision of treason.*] Whoever, owing allegiance to the United States and having knowledge of the commission of any treason against them, conceals and does not, as soon as may be, disclose and make known the same to the President or to some judge of the United States, or to the governor or to some judge or justice of a particular State, is guilty of misprision of treason and shall be imprisoned not more than seven years and fined not more than one thousand dollars. [35 Stat. L. 1088.]

See R. S. sec. 5333, 7 Fed. Stat. Annot. 352.

SEC. 4. [*Inciting or engaging in rebellion or insurrection.*] Whoever incites, sets on foot, assists, or engages in any rebellion or insurrection against the authority of the United States or the laws thereof, or gives aid or comfort thereto, shall be imprisoned not more than ten years, or fined not more than ten thousand dollars, or both; and shall, moreover, be incapable of holding any office under the United States. [35 Stat. L. 1088.]

See R. S. sec. 5334, 3 Fed. Stat. Annot. 533.

SEC. 5. [*Criminal correspondence with foreign governments.*] Every citizen of the United States, whether actually resident or abiding within the same, or in any place subject to the jurisdiction thereof, or in any foreign country, [who?] without the permission or authority of the Government, directly or indirectly, commences or carries on any verbal or written correspondence or intercourse with any foreign government or any officer or agent thereof, with an intent to influence the measures or conduct of any foreign government or of any officer or agent thereof, in relation to any disputes or controversies with the United States, or to defeat the measures of the Government of the United States; and every person, being a citizen of or resident within the United States or in any place subject to the jurisdiction thereof, and not duly authorized, [who?] counsels, advises, or assists in any such correspondence with such intent, shall be fined not more than five thousand dollars and imprisoned not more than three years; but nothing in this section shall be construed to abridge the right of a citizen to apply, himself or his agent, to any foreign government or the agents thereof for redress of any injury which he may have sustained from such government or any of its agents or subjects. [35 Stat. L. 1088.]

See R. S. sec. 5335, 3 Fed. Stat. Annot. 146. This section is so amended as to apply in "any place subject to the jurisdiction" of the United States.

SEC. 6. [*Seditious conspiracy.*] If two or more persons in any State or Territory, or in any place subject to the jurisdiction of the United States, conspire to overthrow, put down, or to destroy by force the Government of the United States, or to levy war against them, or to oppose by force the authority thereof, or by force to prevent, hinder, or delay the execution of any law of the United States, or by force to seize, take, or possess any property of the United

States contrary to the authority thereof, they shall each be fined not more than five thousand dollars, or imprisoned not more than six years, or both. [35 Stat. L. 1089.]

See R. S. sec. 5336, 3 Fed. Stat. Annot. 534. This section is so amended as to apply in "any place subject to the jurisdiction" of the United States.

SEC. 7. [*Recruiting soldiers or sailors to serve against United States.*] Whoever recruits soldiers or sailors within the United States, or in any place subject to the jurisdiction thereof, to engage in armed hostility against the same, or opens within the United States, or in any place subject to the jurisdiction thereof, a recruiting station for the enlistment of such soldiers or sailors to serve in any manner in armed hostility against the United States, shall be fined not more than one thousand dollars and imprisoned not more than five years. [35 Stat. L. 1089.]

See R. S. sec. 5337, 3 Fed. Stat. Annot. 534. This section is so amended as to apply in "any place subject to the jurisdiction" of the United States.

SEC. 8. [*Enlistment to serve against the United States.*] Every person enlisted or engaged within the United States or in any place subject to the jurisdiction thereof, with intent to serve in armed hostility against the United States, shall be fined one hundred dollars and imprisoned not more than three years. [35 Stat. L. 1089.]

See R. S. sec. 5338, 3 Fed. Stat. Annot. 534. The word "person" is substituted for "soldier or sailor," and the section is broadened so as

to apply in "any place subject to the jurisdiction" of the United States.

CHAPTER TWO.

OFFENSES AGAINST NEUTRALITY.

Sec.

9. Accepting a foreign commission.
10. Enlisting in foreign service.
11. Arming vessels against people at peace with the United States.
12. Augmenting force of foreign vessel of war.

Sec.

13. Military expeditions against people at peace with the United States.
14. Enforcement of foregoing provisions.
15. Compelling foreign vessels to depart.
16. Armed vessels to give bond on clearance.
17. Detention by collectors of customs.
18. Construction of this chapter.

SEC. 9. [*Accepting a foreign commission.*] Every citizen of the United States who, within the territory or jurisdiction thereof, accepts and exercises a commission to serve a foreign prince, state, colony, district, or people, in war, by land or by sea, against any prince, state, colony, district, or people, with whom the United States are at peace, shall be fined not more than two thousand dollars and imprisoned not more than three years. [35 Stat. L. 1089.]

See R. S. sec. 5281, 5 Fed. Stat. Annot. 355.

SEC. 10. [*Enlisting in foreign service.*] Whoever, within the territory or jurisdiction of the United States, enlists, or enters himself, or hires or retains another person to enlist or enter himself, or to go beyond the limits or jurisdiction of the United States with intent to be enlisted or entered in the service of any foreign prince, state, colony, district, or people, as a soldier, or as a marine or seaman, on board of any vessel of war, letter of marque, or privateer, shall be fined not more than one thousand dollars and imprisoned not more than three years. [35 Stat. L. 1089.]

See R. S. sec. 5282, 5 Fed. Stat. Annot. 357.

SEC. 11. [*Arming vessels against people at peace with the United States.*] Whoever, within the territory or jurisdiction of the United States, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly is concerned in the furnishing, fitting out, or arming of any vessel, with intent that such vessel shall be employed in the service of any foreign prince or state, or of any colony, district, or people, to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, or whoever issues or delivers a commission within the territory or jurisdiction of the United States for any vessel, to the intent that she may be so employed, shall be fined not more than ten thousand dollars and imprisoned not more than three years. And every such vessel, her tackle, apparel, and furniture, together with all materials, arms, ammunition, and stores which may have been procured for the building and equipment thereof, shall be forfeited; one half to the use of the informer and the other half to the use of the United States. [35 Stat. L. 1090.]

See R. S. sec. 5283, 5 Fed. Stat. Annot. 358. This section is broadened so as to apply anywhere within the "territory or jurisdiction" of the United States.

SEC. 12. [*Augmenting force of foreign vessel of war.*] Whoever, within the territory or jurisdiction of the United States, increases or augments, or procures to be increased or augmented, or knowingly is concerned in increasing or augmenting, the force of any ship of war, cruiser, or other armed vessel which, at the time of her arrival within the United States, was a ship of war, or cruiser, or armed vessel, in the service of any foreign prince or state, or of any colony, district, or people, or belonging to the subjects or citizens of any such prince or state, colony, district, or people, the same being at war with any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, by adding to the number of the guns of such vessel, or by changing those on board of her for guns of a larger caliber, or by adding thereto any equipment solely applicable to war, shall be fined not more than one thousand dollars and imprisoned not more than one year. [35 Stat. L. 1090.]

See R. S. sec. 5285, 5 Fed. Stat. Annot. 365.

SEC. 13. [*Military expeditions against people at peace with the United States.*] Whoever, within the territory or jurisdiction of the United States, begins, or sets on foot, or provides or prepares the means for, any military expedition or enterprise, to be carried on from thence against the territory or dominions of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace, shall be fined not more than three thousand dollars and imprisoned not more than three years. [35 Stat. L. 1090.]

See R. S. sec. 5286, 5 Fed. Stat. Annot. 366.

SEC. 14. [*Enforcement of foregoing provisions.*] The district courts shall take cognizance of all complaints, by whomsoever instituted, in cases of captures made within the waters of the United States, or within a marine league of the coasts or shores thereof. In every case in which a vessel is fitted out and armed, or attempted to be fitted out and armed, or in which the force of any vessel of war, cruiser, or other armed vessel is increased or augmented, or in which any military expedition or enterprise is begun or set on foot, contrary to the provisions and prohibitions of this chapter; and in every case of the capture of a vessel within the jurisdiction or protection of the United States as

before defined; and in every case in which any process issuing out of any court of the United States is disobeyed or resisted by any person having the custody of any vessel of war, cruiser, or other armed vessel of any foreign prince or state, or of any colony, district, or people, or of any subjects or citizens of any foreign prince or state, or of any colony, district, or people, it shall be lawful for the President, or such other person as he shall have empowered for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, for the purpose of taking possession of and detaining any such vessel, with her prizes, if any, in order to enforce the execution of the prohibitions and penalties of this chapter, and the restoring of such prizes in the cases in which restoration shall be adjudged; and also for the purpose of preventing the carrying on of any such expedition or enterprise from the territory or jurisdiction of the United States against the territory or dominion of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace. [35 Stat. L. 1090.]

See R. S. sec. 5287, 5 Fed. Stat. Annot. 375.

SEC. 15. [*Compelling foreign vessels to depart.*] It shall be lawful for the President, or such person as he shall empower for that purpose, to employ such part of the land or naval forces of the United States, or of the militia thereof, as shall be necessary to compel any foreign vessel to depart the United States in all cases in which, by the laws of nations or the treaties of the United States, she ought not to remain within the United States. [35 Stat. L. 1091.]

See R. S. sec. 5288, 5 Fed. Stat. Annot. 376.

SEC. 16. [*Armed vessels to give bond on clearance.*] The owners or consignees of every armed vessel sailing out of the ports of, or under the jurisdiction of, the United States, belonging wholly or in part to citizens thereof, shall, before clearing out the same, give bond to the United States, with sufficient sureties, in double the amount of the value of the vessel and cargo on board, including her armament, conditioned that the vessel shall not be employed by such owners to cruise or commit hostilities against the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people, with whom the United States are at peace. [35 Stat. L. 1091.]

See R. S. sec. 5289, 5 Fed. Stat. Annot. 376. This section is so amended as to apply to all ports "under the jurisdiction" of the United States.

SEC. 17. [*Detention by collectors of customs.*] The several collectors of the customs shall detain any vessel manifestly built for warlike purposes, and about to depart the United States, or any place subject to the jurisdiction thereof, the cargo of which principally consists of arms and munitions of war, when the number of men shipped on board, or other circumstances, render it probable that such vessel is intended to be employed by the owners to cruise or commit hostilities upon the subjects, citizens, or property of any foreign prince or state, or of any colony, district, or people with whom the United States are at peace, until the decision of the President is had thereon, or until the owner gives such bond and security as is required of the owners of armed vessels by the preceding section. [35 Stat. L. 1091.]

See R. S. sec. 5290, 5 Fed. Stat. Annot. 377. This section is so amended as to apply in "any place subject to the jurisdiction" of the United States.

SEC. 18. [*Construction of this chapter.*] The provisions of this chapter shall not be construed to extend to any subject or citizen of any foreign prince, state, colony, district, or people who is transiently within the United States

and enlists or enters himself on board of any vessel of war, letter of marque, or privateer, which at the time of its arrival within the United States was fitted and equipped as such, or hires or retains another subject or citizen of the same foreign prince, state, colony, district, or people who is transiently within the United States to enlist or enter himself to serve such foreign prince, state, colony, district, or people on board such vessel of war, letter of marque, or privateer, if the United States shall then be at peace with such foreign prince, state, colony, district, or people. Nor shall they be construed to prevent the prosecution or punishment of treason, or of any piracy defined by the laws of the United States. [35 Stat. L. 1091.]

See R. S. sec. 5291, 5 Fed. Stat. Annot. 377.

CHAPTER THREE.

OFFENSES AGAINST THE ELECTIVE FRANCHISE AND CIVIL RIGHTS OF CITIZENS.

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| Sec. | Sec. |
| 19. Conspiracy to injure, etc., persons in the exercise of civil rights. | 23. Intimidation of voters by officers, etc., of Army or Navy. |
| 20. Depriving citizens of civil rights under color of State laws. | 24. Officers of Army or Navy prescribing qualifications of voters. |
| 21. Conspiring to prevent officer from performing duties. | 25. Officers, etc., of Army or Navy interfering with officers of election, etc. |
| 22. Unlawful presence of troops at elections. | 26. Persons disqualified from holding office; when soldiers, etc., may vote. |

SEC. 19. [*Conspiracy to injure, etc., persons in the exercise of civil rights.*] If two or more persons conspire to injure, oppress, threaten, or intimidate any citizen in the free exercise or enjoyment of any right or privilege secured to him by the Constitution or laws of the United States, or because of his having so exercised the same, or if two or more persons go in disguise on the highway, or on the premises of another, with intent to prevent or hinder his free exercise or enjoyment of any right or privilege so secured, they shall be fined not more than five thousand dollars and imprisoned not more than ten years, and shall, moreover, be thereafter ineligible to any office, or place of honor, profit, or trust created by the Constitution or laws of the United States. [35 Stat. L. 1092.]

See R. S. sec. 5508, 1 Fed. Stat. Annot. 802.

SEC. 20. [*Depriving citizens of civil rights under color of State laws.*] Whoever, under color of any law, statute, ordinance, regulation, or custom, willfully subjects, or causes to be subjected, any inhabitant of any State, Territory, or District to the deprivation of any rights, privileges, or immunities secured or protected by the Constitution and laws of the United States, or to different punishments, pains, or penalties, on account of such inhabitant being an alien, or by reason of his color, or race, than are prescribed for the punishment of citizens, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1092.]

See R. S. sec. 5510, 1 Fed. Stat. Annot. 804.

SEC. 21. [*Conspiring to prevent officer from performing duties.*] If two or more persons in any State, Territory, or District conspire to prevent, by force, intimidation, or threat, any person from accepting or holding any office, trust, or place of confidence under the United States, or from discharging any duties thereof; or to induce by like means any officer of the United States to leave any State, Territory, District, or place, where his duties as an officer are required

to be performed, or to injure him in his person or property on account of his lawful discharge of the duties of his office, or while engaged in the lawful discharge thereof, or to injure his property so as to molest, interrupt, hinder, or impede him in the discharge of his official duties, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both. [35 Stat. L. 1092.]

See R. S. sec. 5518, 6 Fed. Stat. Annot. 613.

SEC. 22. [*Unlawful presence of troops at elections.*] Every officer of the Army or Navy, or other person in the civil, military, or naval service of the United States, who orders, brings, keeps, or has under his authority or control any troops or armed men at any place where a general or special election is held in any State, unless such force be necessary to repel armed enemies of the United States, shall be fined not more than five thousand dollars and imprisoned not more than five years. [35 Stat. L. 1092.]

See R. S. sec. 5528, 2 Fed. Stat. Annot. 865.

SEC. 23. [*Intimidation of voters by officers, etc., of army or navy.*] Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, advice, or otherwise, prevents, or attempts to prevent, any qualified voter of any State from freely exercising the right of suffrage at any general or special election in such State shall be fined not more than five thousand dollars and imprisoned not more than five years. [35 Stat. L. 1092.]

See R. S. sec. 5529, 2 Fed. Stat. Annot. 865.

SEC. 24. [*Officers of army or navy prescribing qualifications of voters.*] Every officer of the army or navy who prescribes or fixes, or attempts to prescribe or fix, whether by proclamation, order, or otherwise, the qualifications of voters at any election in any State shall be punished as provided in the preceding section. [35 Stat. L. 1092.]

See R. S. sec. 5530, 2 Fed. Stat. Annot. 865.

SEC. 25. [*Officers, etc., of army or navy interfering with officers of election, etc.*] Every officer or other person in the military or naval service of the United States who, by force, threat, intimidation, order, or otherwise, compels, or attempts to compel, any officer holding an election in any State to receive a vote from a person not legally qualified to vote, or who imposes, or attempts to impose, any regulations for conducting any general or special election in a State different from those prescribed by law, or who interferes in any manner with any officer of an election in the discharge of his duty, shall be punished as provided in section twenty-three. [35 Stat. L. 1092.]

See R. S. sec. 5531, 2 Fed. Stat. Annot. 865.

SEC. 26. [*Persons disqualified from holding office; when soldiers, etc., may vote.*] Every person convicted of any offense defined in the four preceding sections shall, in addition to the punishment therein prescribed, be disqualified from holding any office of honor, profit, or trust under the United States; but nothing therein shall be construed to prevent any officer, soldier, sailor, or marine from exercising the right of suffrage in any election district to which he may belong, if otherwise qualified according to the laws of the State in which he offers to vote. [35 Stat. L. 1092.]

See R. S. sec. 5532, 2 Fed. Stat. Annot. 865.

CHAPTER FOUR.

OFFENSES AGAINST THE OPERATIONS OF THE GOVERNMENT.

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| <p>Sec.
 27. Forgery of letters patent.
 28. Forging bids, public records, etc.
 29. Forging deeds, powers of attorney, etc.
 30. Having forged papers in possession.
 31. False acknowledgments.
 32. Falsely pretending to be United States officer.
 33. False personation of holder of public stock.
 34. False demand on fraudulent power of attorney.
 35. Making or presenting false claims.
 36. Embezzling arms, stores, etc.
 37. Conspiracy to commit offense against the United States; all parties liable for acts of one.
 38. Delaying or defrauding captor or claimant, etc., of prize property.
 39. Bribery of United States officer.
 40. Unlawfully taking or using papers relating to claims.
 41. Persons interested not to act as agents of the Government.
 42. Enticing desertions from the military or naval service.
 43. Enticing away workmen.
 44. Injuries to fortifications, harbor defenses, etc.
 45. Unlawfully entering upon military reservation, fort, etc.
 46. Robbery or larceny of personal property of the United States.
 47. Embezzling, stealing, etc., public property.
 48. Receivers, etc., of stolen public property.
 49. Timber depredations on public lands.
 50. Timber, etc., depredations on Indian and other reservations.
 51. Boxing, etc., timber on public lands for turpentine, etc.
 52. Setting fire to timber on public lands.
 53. Failing to extinguish fires.
 54. Fines to be paid into school fund.
 55. Trespassing on Bull Run National Forest, Oregon.
 56. Breaking fence or gate inclosing reserved lands, or driving or permitting live stock to enter upon.
 57. Injuring or removing posts or monuments.
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 59. Agreement to prevent bids at sale of lands.
 60. Injuries to United States telegraph, etc., lines.
 61. Counterfeiting weather forecast.
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 63. Forgery of certificate of entry.
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 65. Resisting revenue officer; rescuing or destroying seized property, etc.
 66. Falsely assuming to be a revenue officer.
 67. Offering presents to revenue officer.
 68. Admitting merchandise to entry for less than legal duty.
 69. Securing entry of merchandise by false samples, etc.
 70. False certification by consular officer.
 71. Taking seized property from custody of revenue officer.
 72. Forging or altering ship's papers or custom-house documents.
 73. Forging military bounty-land warrant, etc.
 74. Forging, etc., certificate of citizenship.
 75. Engraving, etc., plate for printing, or photographing, selling, or bringing into United States, etc., certificate of citizenship.
 76. False personation, etc., in procuring naturalization.
 77. Using false certificate of citizenship, or denying citizenship, etc.
 78. Using false certificate, etc., as evidence of right to vote, etc.
 79. Falsely claiming citizenship.
 80. Taking false oath in naturalization proceedings.
 81. Provisions applicable to all courts of naturalization.
 82. Shanghaiing and falsely inducing person intoxicated to go on vessel prohibited.
 83. Corporations, etc., not to contribute money for political elections, etc.
 84. Hunting birds, or taking their eggs from breeding grounds, prohibited.</p> |
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SEC. 27. [*Forgery of letters patent.*] Whoever shall falsely make, forge, counterfeit, or alter any letters patent granted or purporting to have been granted by the President of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish as genuine, any such forged, counterfeited, or falsely altered letters patent, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than five thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1093.]

See R. S. sec. 5416, 2 Fed. Stat. Annot. 300.

SEC. 28. [*Forging bids, public records, etc.*] Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid, or assist in the false making, altering, forging, or counterfeiting, any bond, bid, proposal, contract, guarantee, security,

official bond, public record, affidavit, or other writing for the purpose of defrauding the United States; or shall utter or publish as true, or cause to be uttered or published as true, or have in his possession with the intent to utter or publish as true, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, for the purpose of defrauding the United States, knowing the same to be false, forged, altered, or counterfeited; or shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, the office of any officer of the United States, any such false, forged, altered, or counterfeited bond, bid, proposal, contract, guarantee, security, official bond, public record, affidavit, or other writing, knowing the same to be false, forged, altered, or counterfeited, for the purpose of defrauding the United States, shall be fined not more than one thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1094.]

See R. S. sec. 5418, 2 Fed. Stat. Annot. 300; each other and have therefore been merged into one section.
R. S. sec. 5479, 2 Fed. Stat. Annot. 313. The Revised Statutes sections largely duplicate

SEC. 29. [*Forging deeds, powers of attorney, etc.*] Whoever shall falsely make, alter, forge, or counterfeit, or cause or procure to be falsely made, altered, forged, or counterfeited, or willingly aid or assist in the false making, altering, forging, or counterfeiting, any deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of obtaining or receiving, or of enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any of their officers or agents, any sum of money; or whoever shall utter or publish as true, or cause to be uttered or published as true, any such false, forged, altered, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited; or whoever shall transmit to, or present at, or cause or procure to be transmitted to, or presented at, any office or officer of the Government of the United States, any deed, power of attorney, order, certificate, receipt, contract, or other writing, in support of, or in relation to, any account or claim, with intent to defraud the United States, knowing the same to be false, altered, forged, or counterfeited, shall be fined not more than one thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1094.]

See R. S. sec. 5421, 2 Fed. Stat. Annot. 303. The amendments consist in adding the word "contract" and in stating in simple language the punishment.

SEC. 30. [*Having forged papers in possession.*] Whoever, knowingly and with intent to defraud the United States, shall have in his possession any false, altered, forged, or counterfeited deed, power of attorney, order, certificate, receipt, contract, or other writing, for the purpose of enabling another to obtain from the United States, or from any officer or agent thereof, any sum of money, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1094.]

See R. S. sec. 5422, 2 Fed. Stat. Annot. 305. This Revised Statutes section leaves the punishment in the discretion of the court, without fixing a maximum. The maximum is here fixed and the word "contract" added.

SEC. 31. [*False acknowledgments.*] Whoever, being an officer authorized to administer oaths or to take and certify acknowledgments, shall knowingly make any false acknowledgment, certificate, or statement concerning the appearance before him or the taking of an oath or affirmation by any person with

respect to any proposal, contract, bond, undertaking, or other matter, submitted to, made with, or taken on behalf of, the United States, and concerning which an oath or affirmation is required by law or regulation made in pursuance of law, or with respect to the financial standing of any principal, surety, or other party to any such proposal, contract, bond, undertaking, or other instrument, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1094.]

This section is new. As originally drafted, it was designed to reach officers making false acknowledgments in contracts, etc., with the Post Office Department, that department having strongly recommended such a section in order to put a stop to abuses which frequently

occurred with respect to mail and other contracts. The Committee on Revision of Laws, approving the recommendation, broadened the section so as to punish false acknowledgments with respect to any contract made with or on behalf of the government.

SEC. 32. [*Falsely pretending to be United States officer.*] Whoever, with intent to defraud either the United States or any person, shall falsely assume or pretend to be an officer or employee acting under the authority of the United States, or any Department, or any officer of the Government thereof, and shall take upon himself to act as such, or shall in such pretended character demand or obtain from any person or from the United States, or any Department, or any officer of the Government thereof, any money, paper, document, or other valuable thing, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1095.]

See the Act of April 18, 1884, ch. 26, sec. 1, 3 Fed. Stat. Annot. 92.

SEC. 33. [*False personation of holder of public stock.*] Whoever shall falsely personate any true and lawful holder of any share or sum in the public stocks or debt of the United States, or any person entitled to any annuity, dividend, pension, prize money, wages, or other debt due from the United States, and, under color of such false personation, shall transfer or endeavor to transfer such public stock or any part thereof, or shall receive or endeavor to receive the money of such true and lawful holder thereof, or the money of any person really entitled to receive such annuity, dividend, pension, prize money, wages, or other debt, shall be fined not more than five thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1095.]

See R. S. sec. 5436, 3 Fed. Stat. Annot. 92.

SEC. 34. [*False demand on fraudulent power of attorney.*] Whoever shall knowingly or fraudulently demand or endeavor to obtain any share or sum in the public stocks of the United States, or to have any part thereof transferred, assigned, sold, or conveyed, or to have any annuity, dividend, pension, prize money, wages, or other debt due from the United States, or any part thereof, received, or paid by virtue of any false, forged, or counterfeited power of attorney, authority, or instrument, shall be fined not more than five thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1095.]

See R. S. sec. 5436, 2 Fed. Stat. Annot. 309.

SEC. 35. [*Making or presenting false claims.*] Whoever shall make or cause to be made, or present or cause to be presented, for payment or approval, to or by any person or officer in the civil, military, or naval service of the United States, any claim upon or against the Government of the United States, or any Department or officer thereof, knowing such claim to be false, fictitious, or fraudulent; or whoever, for the purpose of obtaining or aiding to obtain the payment or approval of such claim, shall make or use, or cause to be made or

used, any false bill, receipt, voucher, roll, account, claim, certificate, affidavit, or deposition, knowing the same to contain any fraudulent or fictitious statement or entry; or whoever shall enter into any agreement, combination, or conspiracy to defraud the Government of the United States, or any department or officer thereof, by obtaining or aiding to obtain the payment or allowance of any false or fraudulent claim; or whoever, having charge, possession, custody, or control of any money or other public property used or to be used [sic] be used in the military or naval service, with intent to defraud the United States or willfully to conceal such money or other property, shall deliver or cause to be delivered, to any other person having authority to receive the same, any amount of such money or other property less than that for which he received a certificate or took a receipt; or whoever, being authorized to make or deliver any certificate, voucher, receipt, or other paper certifying the receipt of arms, ammunition, provisions, clothing, or other property so used or to be used, shall make or deliver the same to any other person without a full knowledge of the truth of the facts stated therein, and with intent to defraud the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. And whoever shall knowingly purchase or receive in pledge for any obligation or indebtedness from any soldier, officer, sailor, or other person called into or employed in the military or naval service, any arms, equipments, ammunition, clothes, military stores, or other public property, whether furnished to the soldier, sailor, officer, or person, under a clothing allowance or otherwise, such soldier, sailor, officer, or other person not having the lawful right to pledge or sell the same, shall be fined not more than five hundred dollars, and imprisoned not more than two years. [35 Stat. L. 1095.]

See R. S. sec. 5438, 2 Fed. Stat. Annot. 31. amending act is one of those repealed by section 341 of this act.
That section was amended by the Act of May 30, 1908, ch. 235, 35 Stat. L. 555, but the

SEC. 36. [*Embezzling arms, stores, etc.*] Whoever shall steal, embezzle, or knowingly apply to his own use, or unlawfully sell, convey, or dispose of, any ordnance, arms, ammunition, clothing, subsistence, stores, money, or other property of the United States, furnished or to be used for the military or naval service, shall be punished as prescribed in the preceding section. [35 Stat. L. 1096.]

See R. S. sec. 5439, 4 Fed. Stat. Annot. 790.

SEC. 37. [*Conspiracy to commit offense against the United States; all parties liable for acts of one.*] If two or more persons conspire either to commit any offense against the United States, or to defraud the United States in any manner or for any purpose, and one or more of such parties do any act to effect the object of the conspiracy, each of the parties to such conspiracy shall be fined not more than ten thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1096.]

See R. S. sec. 5440, 2 Fed. Stat. Annot. 247.

SEC. 38. [*Delaying or defrauding captor or claimant, etc., of prize property.*] Whoever shall willfully do, or aid or advise in the doing, of any act relating to the bringing in, custody, preservation, sale, or other disposition of any property captured as prize, or relating to any documents or papers connected with the property, or to any deposition or other document or paper connected with the proceedings, with intent to defraud, delay, or injure the United States or any captor or claimant of such property, shall be fined not more than

ten thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1096.]

See R. S. sec. 5441, 6 Fed. Stat. Annot. 87.

SEC. 39. [*Bribery of United States officer.*] Whoever shall promise, offer, or give, or cause or procure to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, to any officer of the United States, or to any person acting for or on behalf of the United States in any official function, under or by authority of any department or office of the Government thereof, or to any officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or both Houses thereof, with intent to influence his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, or with intent to influence him to commit or aid in committing, or to collude in, or allow, any fraud, or make opportunity for the commission of any fraud, on the United States, or to induce him to do or omit to do any act in violation of his lawful duty, shall be fined not more than three times the amount of money or value of the thing so offered, promised, given, made, or tendered, or caused or procured to be so offered, promised, given, made, or tendered, and imprisoned not more than three years. [35 Stat. L. 1096.]

See R. S. sec. 5451, 1 Fed. Stat. Annot. 713. the penalty at present being found in R. S. The only change in this section consists in sec. 5450. carrying into it the penalty for its violation,

SEC. 40. [*Unlawfully taking or using papers relating to claims.*] Whoever shall take and carry away, without authority from the United States, from the place where it has been filed, lodged, or deposited, or where it may for the time being actually be kept by authority of the United States, any certificate, affidavit, deposition, written statement of facts, power of attorney, receipt, voucher, assignment, or other document, record, file, or paper, prepared, fitted, or intended to be used or presented in order to procure the payment of money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, whether the same has or has not already been so used or presented, and whether such claim, account, or demand, or any part thereof, has or has not already been allowed or paid; or whoever shall present, use, or attempt to use, any such document, record, file, or paper so taken and carried away, in order to procure the payment of any money from or by the United States, or any officer or agent thereof, or the allowance or payment of the whole or any part of any claim, account, or demand against the United States, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1096.]

See R. S. sec. 5454, 2 Fed. Stat. Annot. 35. The only change in this section consists in the addition, at the end of the section, of the words "or both," the purpose of which is obvious.

SEC. 41. [*Persons interested not to act as agents of the Government.*] No officer or agent of any corporation, joint stock company, or association, and no member or agent of any firm, or person directly or indirectly interested in the pecuniary profits or contracts of such corporation, joint stock company, association, or firm, shall be employed or shall act as an officer or agent of the United States for the transaction of business with such corporation, joint stock com-

pany, association, or firm. Whoever shall violate the provision of this section shall be fined not more than two thousand dollars and imprisoned not more than two years. [35 Stat. L. 1097.]

See R. S. sec. 1783, 6 Fed. Stat. Annot. 607. Section 1783, R. S., applies only to officers of "banking or other commercial" corporations. These words have been omitted, so that the

section may reach the officers of "any" corporation; and it is also broadened so that its provisions will cover officers and agents of any "joint stock company or association."

SEC. 42. [*Enticing desertions from the military or naval service.*] Whoever shall entice or procure, or attempt or endeavor to entice or procure, any soldier in the military service, or any seaman or other person in the naval service of the United States, or who has been recruited for such service, to desert therefrom, or shall aid any such soldier, seaman, or other person in deserting or in attempting to desert from such service; or whoever shall harbor, conceal, protect, or assist any such soldier, seaman, or other person who may have deserted from such service, knowing him to have deserted therefrom, or shall refuse to give up and deliver such soldier, seaman or other person on the demand of any officer authorized to receive him, shall be imprisoned not more than three years and fined not more than two thousand dollars. [35 Stat. L. 1097.]

See R. S. sec. 1553, 5 Fed. Stat. Annot. 307; R. S. sec. 5455, 7 Fed. Stat. Annot. 1068. R. S. sec. 1553 is a duplication of the latter

part of R. S. sec. 5455; they have therefore been combined in one section, and the word "seaman" has been added.

SEC. 43. [*Enticing away workmen.*] Whoever shall procure or entice any artificer or workman retained or employed in any arsenal or armory, to depart from the same during the continuance of his engagement; or to avoid or break his contract with the United States; or whoever, after due notice of the engagement of such workman or artificer, during the continuance of such engagement, shall retain, hire, or in anywise employ, harbor, or conceal such artificer or workman, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both. [35 Stat. L. 1097.]

See R. S. sec. 1668, 7 Fed. Stat. Annot. 1084. In this section the word "artificer" has been substituted for "armorer," which is

obsolete; and the words "or both" have been added at the end of the section.

SEC. 44. [*Injuries to fortifications, harbor defenses, etc.*] Whoever shall willfully trespass upon, injure, or destroy any of the works or property or material of any submarine mine or torpedo, or fortification or harbor-defense system owned or constructed or in process of construction by the United States, or shall willfully interfere with the operation or use of any such submarine mine, torpedo, fortification, or harbor-defense system, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1097.]

See the Act of July 7, 1898, ch. 576, sec. 1, 6 Fed. Stat. Annot. 717. The words "wantonly or maliciously," before "trespass," have been omitted as unnecessary, as the word "willfully" will include any wanton or malicious act. The words "or shall knowingly,

willfully, or wantonly violate any regulation of the War Department that has been made for the protection of such mine, torpedo, fortification, or harbor defense system," have been omitted.

SEC. 45. [*Unlawfully entering upon military reservation, fort, etc.*] Whoever shall go upon any military reservation, army post, fort, or arsenal, for any purpose prohibited by law or military regulation made in pursuance of law, or whoever shall reenter or be found within any such reservation, post, fort, or arsenal, after having been removed therefrom or ordered not to reenter

by any officer or person in command or charge thereof, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1097.]

This section is new. It was strongly recommended by both the War Department and the Department of Justice. It is but an extension of the provision of the preceding section, and is designed to punish persons who, having been

ejected from a fort, reservation, etc., return for the purpose of obtaining information respecting the strength, etc., of the fort, etc., or for the purpose of inducing the men to visit saloons, dives, and similar places.

SEC. 46. [*Robbery or larceny of personal property of the United States.*] Whoever shall rob another of any kind or description of personal property belonging to the United States, or shall feloniously take and carry away the same, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1097.]

See R. S. sec. 5456, 4 Fed. Stat. Annot. 790.

SEC. 47. [*Embezzling, stealing, etc., public property.*] Whoever shall embezzle, steal, or purloin any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1097.]

See the Act of March 3, 1875, ch. 144, sec. 1, 4 Fed. Stat. Annot. 790. The only change in this section consists in the omission of the provision which authorizes the trial of the

offender either in the district in which the offense may have been committed, or in which he may carry or have in possession the property embezzled.

SEC. 48. [*Receivers, etc., of stolen property.*] Whoever shall receive, conceal, or aid in concealing, or shall have or retain in his possession with intent to convert to his own use or gain, any money, property, record, voucher, or valuable thing whatever, of the moneys, goods, chattels, records, or property of the United States, which has theretofore been embezzled, stolen, or purloined by any other person, knowing the same to have been so embezzled, stolen, or purloined, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both; and such person may be tried either before or after the conviction of the principal offender. [35 Stat. L. 1098.]

See the Act of March 3, 1875, ch. 144, sec. 2, 6 Fed. Stat. Annot. 761. The change made in this section consists of the omission of a provision similar to that omitted in the preceding section, and also of the provision that

the judgment of conviction of the principal "shall be conclusive evidence in the prosecution against such receiver" that the property which he is charged with receiving has been embezzled, stolen, or purloined.

SEC. 49. [*Timber depredations on public lands.*] Whoever shall cut, or cause or procure to be cut, or shall wantonly destroy, or cause to be wantonly destroyed, any timber growing on the public lands of the United States; or whoever shall remove, or cause to be removed, any timber from said public lands, with intent to export or to dispose of the same; or whoever, being the owner, master, or consignee of any vessel, or the owner, director, or agent of any railroad, shall knowingly transport any timber so cut or removed from said lands, or lumber manufactured therefrom, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. Nothing in this section shall prevent any miner or agriculturist from clearing his land in the ordinary working of his mining claim, or in the preparation of his farm for tillage, or from taking the timber necessary to support his improvements, or the taking of timber for the use of the United States. And nothing in this section shall interfere with or take away any right or privilege under any

existing law of the United States to cut or remove timber from any public lands. [35 Stat. L. 1098.]

See the Act of June 3, 1878, ch. 151, sec. 4, 7 Fed. Stat. Annot. 304. The Act of Aug. 4, 1892, extended the provisions of the Act of June 3, 1878, to all the "public-land states." Aside from a slight change in the phraseology

for the purposes of revision, and with the exception of the last sentence, the only change in the section is that making imprisonment a part of the punishment.

SEC. 50. [*Timber, etc., depredations on Indian and other reservations.*] Whoever shall unlawfully cut, or aid in unlawfully cutting, or shall wantonly injure or destroy, or procure to be wantonly injured or destroyed, any tree, growing, standing, or being upon any land of the United States which, in pursuance of law, has been reserved or purchased by the United States for any public use, or upon any Indian reservation, or lands belonging to or occupied by any tribe of Indians under the authority of the United States, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1098.]

See R. S. sec. 5388, 7 Fed. Stat. Annot. 296; and the Act of March 3, 1875, ch. 151, sec. 1, 6 Fed. Stat. Annot. 631. R. S. sec. 5388 punishes the unlawful cutting of timber upon military and Indian reservations; the Act of March 3, 1875, punishes the unlawful cutting

of timber, etc., upon other reservations. For this reason the two provisions have been combined. The words "or any shade or ornamental tree, or any other kind of tree," are omitted as redundant.

SEC. 51. [*Boxing, etc., lumber on public land for turpentine, etc.*] Whoever shall cut, chip, chop, or box any tree upon any lands belonging to the United States, or upon any lands covered by or embraced in any unperfected settlement, application, filing, entry, selection, or location, made under any law of the United States, for the purpose of obtaining from such tree any pitch, turpentine, or other substance, or shall knowingly encourage, cause, procure, or aid in the cutting, chipping, chopping, or boxing of any such tree, or shall buy, trade for, or in any manner acquire any pitch, turpentine, or other substance, or any article or commodity made from any such pitch, turpentine, or other substance, when he has knowledge that the same has been so unlawfully obtained from such trees, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1098.]

See the Act of June 4, 1906, ch. 2571, sec. 1, Fed. Stat. Annot. 1907, Supp. 282.

SEC. 52. [*Setting fire to timber on public lands.*] Whoever shall willfully set on fire, or cause to be set on fire, any timber, underbrush, or grass upon the public domain, or shall leave or suffer fire to burn unattended near any timber or other inflammable material, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1098.]

See the Act of Feb. 24, 1897, ch. 313, sec. 1, 7 Fed. Stat. Annot. 308. The words "or maliciously" in the first line are omitted, the

intent being fully covered by the word "willfully." Other redundant matter omitted added nothing to the section.

SEC. 53. [*Failing to extinguish fires.*] Whoever shall build a fire in or near any forest, timber, or other inflammable material upon the public domain shall, before leaving said fire, totally extinguish the same; and whoever shall fail to do so shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1098.]

See the Act of Feb. 24, 1897, ch. 313, sec. 2, 7 Fed. Stat. Annot. 308.

SEC. 54. [*Fines to be paid into school fund.*] In all cases arising under the two preceding sections the fines collected shall be paid into the public school

fund of the county in which the lands where the offense was committed are situated. [35 Stat. L. 1099.]

See the Act of Feb. 24, 1897, ch. 313, sec. 3, 7 Fed. Stat. Annot. 309.

SEC. 55. [*Trespassing on Bull Run National Forest, Oregon.*] Whoever, except forest rangers and other persons employed by the United States to protect the forest, federal, and state officers in the discharge of their duties, and the employees of the water board of the city of Portland, State of Oregon, shall knowingly trespass upon any part of the reserve known as Bull Run National Forest, in the Cascade Mountains, in the State of Oregon, or shall enter thereon for the purpose of grazing stock, or shall engage in grazing stock thereon, or shall permit stock of any kind to graze thereon, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1099.]

See the Act of April 28, 1904, ch. 1774, sec. 1, 10 Fed. Stat. Annot. 406. While the language of the Act revised in this section has been transposed and redundant matter omitted, the only change made in the section consists in providing that the punishment be fine

or imprisonment, or both. The last sentence of the Act directing the secretary of the interior to enforce its provisions is unnecessary, as such authority is conferred in general acts applying to all reservations.

SEC. 56. [*Breaking fence or gate inclosing reserved lands, or driving or permitting live stock to enter upon.*] Whoever shall knowingly and unlawfully break, open, or destroy any gate, fence, hedge, or wall inclosing any lands of the United States which, in pursuance of any law, have been reserved or purchased by the United States for any public use; or whoever shall drive any cattle, horses, hogs, or other live stock upon any such lands for the purpose of destroying the grass or trees on said lands, or where they may destroy the said grass or trees; or whoever shall knowingly permit his cattle, horses, hogs, or other live stock, to enter through any such inclosure upon any such lands of the United States, where such cattle, horses, hogs, or other live stock may or can destroy the grass or trees or other property of the United States on the said lands, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both: *Provided*, That nothing in this section shall be construed to apply to unreserved public lands. [35 Stat. L. 1099.]

See the Act of March 3, 1875, ch. 151, secs. 2 and 3, 6 Fed. Stat. Annot. 631, 632. The two sections of the Act revised in this section are partly duplications of each other, and for that reason have been combined. The section

has been broadened so as to include "other live stock." The proviso to the section has been simplified, the term "unreserved" being substituted for the omitted language.

SEC. 57. [*Injuring or removing posts or monuments.*] Whoever shall willfully destroy, deface, change, or remove to another place any section corner, quarter-section corner, or meander post, on any Government line of survey, or shall willfully cut down any witness tree or any tree blazed to mark the line of a Government survey, or shall willfully deface, change, or remove any monument or bench mark of any Government survey, shall be fined not more than two hundred and fifty dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1099.]

See the Act of June 10, 1896, ch. 398, sec. 1, 8 Fed. Stat. Annot. 430, 6 Fed. Stat. Annot. 380. The changes made in this section consist in the addition of the word "willfully" before "destroy," and in increasing the im-

prisonment from one hundred days to six months, or to both fine and imprisonment; and also in the omission of the proviso authorizing payment of \$25 to an informer.

SEC. 58. [*Interrupting surveys.*] Whoever in any manner, by threats or force, shall interrupt, hinder, or prevent the surveying of the public lands, or

of any private land claim which has been or may be confirmed by the United States, by the persons authorized to survey the same, in conformity with the instructions of the Commissioner of the General Land Office, shall be fined not more than three thousand dollars and imprisoned not more than three years. [35 Stat. L. 1099.]

See R. S. sec. 2412, 6 Fed. Stat. Annot. 379.

SEC. 59. [*Agreements to prevent bids at sale of lands.*] Whoever, before or at the time of the public sale of any of the lands of the United States, shall bargain, contract, or agree, or attempt to bargain, contract, or agree with any other person, that the last-named person shall not bid upon or purchase the land so offered for sale, or any parcel thereof; or whoever by intimidation, combination, or unfair management shall hinder or prevent, or attempt to hinder or prevent, any person from bidding upon or purchasing any tract of land so offered for sale, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1099.]

See R. S. sec. 2375, 6 Fed. Stat. Annot. 340.

SEC. 60. [*Injuries to United States telegraph, etc., lines.*] Whoever shall willfully or maliciously injure or destroy any of the works, property, or material of any telegraph, telephone, or cable line, or system, operated or controlled by the United States, whether constructed or in process of construction, or shall willfully or maliciously interfere in any way with the working or use of any such line, or system, or shall willfully or maliciously obstruct, hinder, or delay the transmission of any communication over any such line, or system, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1099.]

See the Act of June 23, 1874, ch. 461, sec. 1, 7 Fed. Stat. Annot. 214. The change made in this section consists in enlarging its terms so as to include telephone and cable lines and

systems. The transposition of the language used, and the omission of redundant language, neither add to nor take away from the section anything material.

SEC. 61. [*Counterfeiting weather forecast.*] Whoever shall knowingly issue or publish any counterfeit weather forecast or warning of weather conditions falsely representing such forecast or warning to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the Government service, shall be fined not more than five hundred dollars, or imprisoned not more than ninety days, or both. [35 Stat. L. 1100.]

See the Acts of Aug. 8, 1894, ch. 238, sec. 1; March 2, 1895, ch. 169, sec. 1; April 25, 1896, ch. 140, sec. 1; 2 Fed. Stat. Annot. 318.

The references to the several Acts in this case indicate nothing more than the repeated re-enactment of the provision.

SEC. 62. [*Interfering with employees of bureau of animal industry.*] Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, or on account of the execution of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any officer or employee of the Bureau of Animal Industry of the Department of Agriculture in the execution of his duties, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duties, or on account of the performance of his duties, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1100.]

See the Act of March 3, 1905, ch. 1496, sec. 5, 10 Fed. Stat. Annot. 36. The only real change made in this section consists in the addition of the words "or both" at the end. The omission of the words "who discharges

any deadly weapon at" takes nothing from the section, as the act of discharging a weapon is embraced and covered by the words "shall use any deadly weapon," etc.

SEC. 63. [*Forgery of certificate of entry.*] Whoever shall forge, counterfeit, or falsely alter any certificate of entry made or required to be made in pursuance of law by any officer of the customs, or shall use any such forged, counterfeited, or falsely altered certificate, knowing the same to be forged, counterfeited, or falsely altered, shall be fined not more than ten thousand dollars and imprisoned not more than three years. [35 Stat. L. 1100.]

See R. S. sec. 5417; 2 Fed Stat. Annot. 300.

SEC. 64. [*Concealment or destruction of invoices, etc.*] Whoever shall willfully conceal or destroy any invoice, book, or paper relating to any merchandise liable to duty, which has been or may be imported into the United States from any foreign port or country, after an inspection thereof has been demanded by the collector of any collection district, or shall at any time conceal or destroy any such invoice, book, or paper for the purpose of suppressing any evidence of fraud therein contained, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1100.]

See R. S. sec. 5443, 2 Fed. Stat. Annot. 773.

SEC. 65. [*Resisting revenue officer; rescuing or destroying seized property, etc.*] Whoever shall forcibly assault, resist, oppose, prevent, impede, or interfere with any officer of the customs or of the internal revenue, or his deputy, or any person assisting him in the execution of his duties, or any person authorized to make searches and seizures, in the execution of his duty, or shall rescue, attempt to rescue, or cause to be rescued, any property which has been seized by any person so authorized; or whoever before, at, or after such seizure, in order to prevent the seizure or securing of any goods, wares, or merchandise by any person so authorized, shall stave, break, throw overboard, destroy, or remove the same, shall be fined not more than two thousand dollars, or imprisoned not more than one year, or both; and whoever shall use any deadly or dangerous weapon in resisting any person authorized to make searches or seizures, in the execution of his duty, with intent to commit a bodily injury upon him or to deter or prevent him from discharging his duty, shall be imprisoned not more than ten years. [35 Stat. L. 1100.]

See R. S. sec. 5447, 5 Fed. Stat. Annot. 392. The only change made in this section consists in the addition of the words "or of the internal revenue."

SEC. 66. [*Falsely assuming to be a revenue officer.*] Whoever shall falsely represent himself to be a revenue officer, and, in such assumed character, demand or receive any money or other article of value from any person for any duty or tax due to the United States, or for any violation or pretended violation of any revenue law of the United States, shall be fined not more than five hundred dollars and imprisoned not more than two years. [35 Stat. L. 1100.]

See R. S. sec. 5448, 3 Fed. Stat. Annot. 92; 5 Fed. Stat. Annot. 393. The punishment for a violation of R. S. sec. 5448 is a fine of \$500. The change consists in the addition of the words "not more than."

SEC. 67. [*Offering presents to revenue officer.*] Whoever, being engaged in the importation into the United States of any goods, wares, or merchandise, or being interested as principal, clerk, or agent in the entry of any goods, wares,

or merchandise, shall at any time make, or offer to make, to any officer of the revenue, any gratuity or present of money or other thing of value, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1100.]

See R. S. sec. 5452, 1 Fed. Stat. Annot. 714. The only change in this section consists in the addition of the words "or both" at the end of the section.

SEC. 68. [*Admitting merchandise to entry for less than legal duty.*] Whoever, being an officer of the revenue, shall, by any means whatever, knowingly admit or aid in admitting to entry, any goods, wares, or merchandise, upon payment of less than the amount of duty legally due thereon, shall be removed from office and fined not more than five thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1101.]

See R. S. sec. 5444, 2 Fed. Stat. Annot. 773. The only change in this section consists in the addition of the words "or both" at the end of the section.

SEC. 69. [*Securing entry of merchandise by false samples, etc.*] Whoever, by any means whatever, shall knowingly effect, or aid in effecting, any entry of goods, wares, or merchandise, at less than the true weight or measure thereof, or upon a false classification thereof as to quality or value, or by the payment of less than the amount of duty legally due thereon, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1101.]

See R. S. sec. 5445, 2 Fed. Stat. Annot. 773.

SEC. 70. [*False certification by consular officer.*] Whoever, being a consul, or vice-consul, or other person employed in the consular service of the United States, shall knowingly certify falsely to any invoice, or other paper, to which his certificate is by law authorized or required, shall be fined not more than ten thousand dollars and imprisoned not more than three years. [35 Stat. L. 1101.]

See R. S. sec. 5442, 2 Fed. Stat. Annot. 806. The offices of "commercial agent and vice-commercial agent" have been abolished by law. The words "or other person employed in the consular service" have been inserted in place of those omitted.

SEC. 71. [*Taking seized property from custody of revenue officer.*] Whoever shall dispossess or rescue, or attempt to dispossess or rescue, any property taken or detained by any officer or other person under the authority of any revenue law of the United States, or shall aid or assist therein, shall be fined not more than three hundred dollars and imprisoned not more than one year. [35 Stat. L. 1101.]

See R. S. sec. 5446, 5 Fed. Stat. Annot. 392. Imprisonment for "one year" has been substituted for "twelve months."

SEC. 72. [*Forging or altering ship's papers or custom-house documents.*] Whoever shall falsely make, forge, counterfeit, or alter any instrument in imitation of, or purporting to be, an abstract or official copy or certificate of the recording, registry, or enrollment of any vessel, in the office of any collector of the customs, or a license to any vessel for carrying on the coasting trade or fisheries of the United States, or a certificate of ownership, pass, passport, sea letter, or clearance, granted for any vessel, under the authority of the United States, or a permit, debenture, or other official document granted by any collector or other officer of the customs by virtue of his office; or whoever shall utter, publish, or pass, or attempt to utter, publish, or pass, as true, any such

false, forged, counterfeited, or falsely altered instrument, abstract, official copy, certificate, license, pass, passport, sea letter, clearance, permit, debenture, or other official document herein specified, knowing the same to be false, forged, counterfeited, or falsely altered, with an intent to defraud, shall be fined not more than one thousand dollars and imprisoned not more than three years. [35 Stat. L. 1101.]

See R. S. sec. 5423, 2 Fed. Stat. Annot. 305.

SEC. 73. [*Forging military bounty-land warrant, etc.*] Whoever shall falsely make, alter, forge, or counterfeit any military bounty-land warrant, or military bounty-land warrant certificate, issued or purporting to have been issued by the Commissioner of Pensions under any law of Congress, or any certificate or duplicate certificate of location of any military bounty-land warrant, or military bounty-land warrant certificate upon any of the lands of the United States, or any certificate or duplicate certificate of the purchase of any of the lands of the United States, or any receipt or duplicate receipt for the purchase money of any of the lands of the United States, issued or purporting to have been issued by the register and receiver at any land office of the United States or by either of them; or whoever shall utter, publish, or pass as true, any such false, forged, or counterfeited military bounty-land warrant, military bounty-land warrant certificate, certificate or duplicate certificate of location, certificate or duplicate certificate of purchase, receipt or duplicate receipt for the purchase money of any of the lands of the United States, knowing the same to be false, forged, or counterfeited, shall be imprisoned not more than ten years. [35 Stat. L. 1101.]

See R. S. sec. 5420, 2 Fed. Stat. Annot. 302. In this section there is simply a rearrangement of provisions and an omission of redundant matter.

SEC. 74. [*Forging, etc., certificate of citizenship.*] Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall knowingly aid or assist in falsely making, forging, or counterfeiting any certificate of citizenship, with intent to use the same, or with the intent that the same may be used by some other person, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1102.]

See the Act of June 29, 1906, ch. 3592, sec. 16, Fed. Stat. Annot. 1907 Supp. 235.

SEC. 75. [*Engraving, etc., plate for printing, or photographing, selling, or bringing into United States, etc., certificate of citizenship.*] Whoever shall engrave, or cause or procure to be engraved, or assist in engraving, any plate in the likeness of any plate designed for the printing of a certificate of citizenship; or whoever shall sell any such plate, or shall bring into the United States from any foreign place any such plate, except under the direction of the Secretary of Commerce and Labor or other proper officer; or whoever shall have in his control, custody, or possession any metallic plate engraved after the similitude of any plate from which any such certificate has been printed, with intent to use or to suffer such plate to be used in forging or counterfeiting any such certificate or any part thereof; or whoever shall print, photograph, or in any manner cause to be printed, photographed, made, or executed, any print or impression in the likeness of any such certificate, or any part thereof; or whoever shall sell any such certificate, or shall bring the same into the United States from any foreign place, except by direction of some proper officer of the United States; or whoever shall have in his possession a distinctive paper which has been adopted by

the proper officer of the United States for the printing of such certificate, with intent unlawfully to use the same, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1102.]

See the Act of June 29, 1906, ch. 3592, sec. 17, Fed. Stat. Annot. 1907 Supp. 235.

SEC. 76. [*False personation, etc., in procuring naturalization, etc.*] Whoever, when applying to be admitted a citizen, or when appearing as a witness for any such person, shall knowingly personate any person other than himself, or shall falsely appear in the name of a deceased person, or in an assumed or fictitious name; or whoever shall falsely make, forge, or counterfeit any oath, notice, affidavit, certificate, order, record, signature, or other instrument, paper, or proceeding required or authorized by any law relating to or providing for the naturalization of aliens; or whoever shall utter, sell, dispose of, or shall use as true or genuine, for any unlawful purpose, any false, forged, antedated, or counterfeit oath, notice, certificate, order, record, signature, instrument, paper, or proceeding above specified; or whoever shall sell or dispose of to any person other than the person for whom it was originally issued any certificate of citizenship or certificate showing any person to be admitted a citizen, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1102.]

See R. S. sec. 5424, 5 Fed. Stat. Annot. 211.

SEC. 77. [*Using false certificate of citizenship or denying citizenship, etc.*] Whoever shall use or attempt to use, or shall aid, assist, or participate in the use of any certificate of citizenship, knowing the same to be forged, counterfeit, or antedated, or knowing the same to have been procured by fraud or otherwise unlawfully obtained; or whoever, without lawful excuse, shall knowingly possess any false, forged, antedated, or counterfeit certificate of citizenship purporting to have been issued under any law of the United States relating to naturalization, knowing such certificate to be false, forged, antedated, or counterfeit, with the intent unlawfully to use the same; or whoever shall obtain, accept, or receive any certificate of citizenship, knowing the same to have been procured by fraud or by the use or means of any false name or statement given or made with the intent to procure, or to aid in procuring, the issuance of such certificate, or knowing the same to have been fraudulently altered or antedated; or whoever, without lawful excuse, shall have in his possession any blank certificate of citizenship provided by the Bureau of Immigration and Naturalization with the intent unlawfully to use the same; or whoever, after having been admitted to be a citizen, shall, on oath or by affidavit, knowingly deny that he has been so admitted, with the intent to evade or avoid any duty or liability imposed or required by law, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1102.]

See R. S. sec. 5425, 2 Fed. Stat. Annot. 212, and the Act of June 29, 1906, ch. 3592, sec. 19, Fed. Stat. Annot. 1907 Supp. 236. This section is formed by combining R. S. sec. 5429 with sec. 19 of the Naturalization Act of June 29, 1906. No change has been made in the section.

SEC. 78. [*Using false certificate, etc., as evidence of right to vote, etc.*] Whoever shall in any manner use, for the purpose of registering as a voter, or as evidence of a right to vote, or otherwise unlawfully, any order, certificate of citizenship, or certificate, judgment, or exemplification, showing any person to be admitted to be a citizen, whether heretofore or hereafter issued or made, knowing that such order, certificate, judgment, or exemplification has been unlawfully issued or made; or whoever shall unlawfully use, or attempt to use,

any such order or certificate, issued to or in the name of any other person, or in a fictitious name, or the name of a deceased person, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1103.]

See R. S. sec. 5426, 5 Fed. Stat. Annot. 212.

SEC. 79. [*Falsely claiming citizenship.*] Whoever shall knowingly use any certificate of naturalization heretofore or which hereafter may be granted by any court, which has been or may be procured through fraud or by false evidence, or which has been or may hereafter be issued by the clerk or any other officer of the court without any appearance and hearing of the applicant in court and without lawful authority; or whoever, for any fraudulent purpose whatever, shall falsely represent himself to be a citizen of the United States without having been duly admitted to citizenship, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1103.]

See R. S. sec. 5428, 5 Fed. Stat. Annot. 213.

SEC. 80. [*Taking false oath in naturalization proceedings.*] Whoever, in any proceeding under or by virtue of any law relating to the naturalization of aliens, shall knowingly swear falsely in any case where an oath is made or affidavit taken, shall be fined not more than one thousand dollars and imprisoned not more than five years. [35 Stat. L. 1103.]

See R. S. sec. 5395, 5 Fed. Stat. Annot. 210.
In this section there has been a general transposition of the language of R. S. sec. 5395,

but nothing has been added to or taken from the section.

SEC. 81. [*Provisions applicable to all courts of naturalization.*] The provisions of the five sections last preceding shall apply to all proceedings had or taken, or attempted to be had or taken, before any court in which any proceeding for naturalization may be commenced or attempted to be commenced, and whether such court was vested by law with jurisdiction in naturalization proceedings or not. [35 Stat. L. 1103.]

See R. S. sec. 5429, 2 Fed. Stat. Annot. 213.
The new matter added to this section is for the purpose of making clear the right to punish violations of the five preceding sections,

even though the court in which the proceeding is had or taken had no jurisdiction in naturalization proceedings.

SEC. 82. [*Shanghaiing and falsely inducing person intoxicated to go on vessel prohibited.*] Whoever, with intent that any person shall perform service or labor of any kind on board of any vessel engaged in trade and commerce among the several States or with foreign nations, or on board of any vessel of the United States engaged in navigating the high seas or any navigable water of the United States, shall procure or induce, or attempt to procure or induce, another, by force or threats or by representations which he knows or believes to be untrue, or while the person so procured or induced is intoxicated or under the influence of any drug, to go on board of any such vessel, or to sign or in anywise enter into any agreement to go on board of any such vessel to perform service or labor thereon; or whoever shall knowingly detain on board of any such vessel any person so procured or induced to go on board thereof, or to enter into any agreement to go on board thereof, by any means herein defined; or whoever shall knowingly aid or abet in the doing of any of the things herein made unlawful, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1103.]

See the Act of June 28, 1906, ch. 3583, secs. 1, 2, 3, Fed. Stat. Annot. 1907 Supp. 324,

SEC. 83. [*Corporations, etc., not to contribute money for political elections, etc.*] It shall be unlawful for any national bank, or any corporation organized by authority of any law of Congress, to make a money contribution in connection with any election to any political office. If shall also be unlawful for any corporation whatever to make a money contribution in connection with any election at which Presidential and Vice-Presidential electors or a Representative in Congress is to be voted for, or any election by any State legislature of a United States Senator. Every corporation which shall make any contribution in violation of the foregoing provisions shall be fined not more than five thousand dollars; and every officer or director of any corporation who shall consent to any contribution by the corporation in violation of the foregoing provisions shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1103.]

See the Act of Jan. 26, 1907, ch. 420, sec. 1, Fed. Stat. Annot. 1907 Supp. 51.

SEC. 84. [*Hunting birds, or taking their eggs from breeding grounds, prohibited.*] Whoever shall hunt, trap, capture, willfully disturb, or kill any bird of any kind whatever, or take the eggs of any such bird, on any lands of the United States which have been set apart or reserved as breeding grounds for birds, by any law, proclamation, or executive order, except under such rules and regulations as the Secretary of Agriculture may, from time to time, prescribe, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1104.]

See the Act of June 28, 1906, ch. 3565, secs. 1, 2, Fed. Stat. Annot. 1907 Supp. 86. Aside from the omission of redundant language, the only change made in this section is the omis-

sion of the proviso that the section shall not apply "to the Black Hills Forest Reservation, in South Dakota."

CHAPTER FIVE.

OFFENSES RELATING TO OFFICIAL DUTIES.

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85. Officer, etc., of the United States guilty of extortion.
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87. Disbursing officer unlawfully converting, etc., public money.
88. Failure of Treasurer, etc., to safely keep public money.
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99. Officer of United States court failing to deposit moneys, etc.
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Sec.

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Sec.

122. Penalty for violating provisions of four preceding sections.
 123. Governmental officer, etc., giving out advance information respecting crop reports.
 124. Government officer, etc., knowingly compiling or issuing false statistics respecting crops.

SEC. 85. [*Officer, etc., of the United States guilty of extortion.*] Every officer, clerk, agent, or employee of the United States, and every person representing himself to be or assuming to act as such officer, clerk, agent, or employee, who, under color of his office, clerkship, agency, or employment, or under color of his pretended or assumed office, clerkship, agency, or employment, is guilty of extortion, and every person who shall attempt any act which if performed would make him guilty of extortion, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1104.]

See R. S. sec. 5481, 6 Fed. Stat. Annot. 610, and the Act of June 28, 1906, ch. 3574, sec. 1, which amended that section. Aside from a transposition of some of the language of the section, the only change made is in the drop-

ping from the end of the section of the words "except those officers and agents of the United States otherwise differently and specially provided for in the subsequent sections of this chapter."

SEC. 86. [*Receipting for larger sums than are paid.*] Whoever, being an officer, clerk, agent, employee, or other person charged with the payment of any appropriation made by Congress, shall pay to any clerk or other employee of the United States a sum less than that provided by law, and require such employee to receipt or give a voucher for an amount greater than that actually paid to and received by him, is guilty of embezzlement, and shall be fined in double the amount so withheld from any employee of the Government and imprisoned not more than two years. [35 Stat. L. 1105.]

See R. S. sec. 5483, 6 Fed. Stat. Annot. 610. This section is broadened so as to make its provisions apply to any "clerk, agent, employee, or other person" in addition to any

officer charged with the disbursement of any appropriation; and is also changed by the addition of the words "not more than" in the last line of the section.

SEC. 87. [*Disbursing officer unlawfully converting, etc., public money.*] Whoever, being a disbursing officer of the United States, or a person acting as such, shall in any manner convert to his own use, or loan with or without interest, or deposit in any place or in any manner, except as authorized by law, any public money intrusted to him; or shall, for any purpose not prescribed by law, withdraw from the Treasurer or any assistant treasurer, or any authorized depository, or transfer, or apply, any portion of the public money intrusted to him, shall be deemed guilty of an embezzlement of the money so converted, loaned, deposited, withdrawn, transferred, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. [35 Stat. L. 1105.]

See R. S. sec. 5488, 6 Fed. Stat. Annot. 572. This section is rewritten for the sake of clearness. The only change made is in the addition

of the words "or a person acting as such," in the first part of the section.

SEC. 88. [*Failure of Treasurer, etc., to safely keep public money.*] If the Treasurer of the United States or any assistant treasurer, or any public depository, fails safely to keep all moneys deposited by any disbursing officer or disbursing agent, as well as all moneys deposited by any receiver, collector, or other person having money of the United States, he shall be deemed guilty

of embezzlement of the moneys not so safely kept, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years. [35 Stat. L. 1105.]

See R. S. sec. 5490, 6 Fed. Stat. Annot. 578.

SEC. 89. [*Custodian of public money failing to safely keep, etc.*] Every officer or other person charged by any Act of Congress with the safe-keeping of the public moneys, who shall loan, use, or convert to his own use, or shall deposit in any bank or exchange for other funds, except as specially allowed by law, any portion of the public moneys intrusted to him for safe-keeping, shall be guilty of embezzlement of the money so loaned, used, converted, deposited, or exchanged, and shall be fined in a sum equal to the amount of money so embezzled and imprisoned not more than ten years. [35 Stat. L. 1105.]

See R. S. sec. 5490, 6 Fed. Stat. Annot. 573.
In revising this section the Act of Aug. 6, 1846, was reverted to in order to get its true

meaning, and the language was transposed so as to more nearly conform to its arrangement in the original Act.

SEC. 90. [*Failure of officer to render accounts, etc.*] Every officer or agent of the United States who, having received public money which he is not authorized to retain as salary, pay, or emolument, fails to render his accounts for the same as provided by law shall be deemed guilty of embezzlement, and shall be fined in a sum equal to the amount of the money embezzled and imprisoned not more than ten years. [35 Stat. L. 1105.]

See R. S. sec. 5491, 6 Fed. Stat. Annot. 574.

SEC. 91. [*Failure to deposit as required.*] Whoever, having money of the United States in his possession or under his control, shall fail to deposit it with the Treasurer, or some assistant treasurer, or some public depository of the United States, when required so to do by the Secretary of the Treasury, or the head of any other proper department, or by the accounting officers of the Treasury, shall be deemed guilty of embezzlement thereof, and shall be fined in a sum equal to the amount of money embezzled and imprisoned not more than ten years. [35 Stat. L. 1105.]

See R. S. sec. 5492, 6 Fed. Stat. Annot. 574.
Aside from the addition of the words "or under his control" in the first part of the

section, the only change consists in the transposition of language.

SEC. 92. [*Provisions of the five preceding sections, to whom applicable.*] The provisions of the five preceding sections shall be construed to apply to all persons charged with the safe-keeping, transfer, or disbursement of the public money, whether such persons be indicted as receivers or depositaries of the same. [35 Stat. L. 1105.]

See R. S. sec. 5493, 6 Fed. Stat. Annot. 575.

SEC. 93. [*Record evidence of embezzlement.*] Upon the trial of any indictment against any person for embezzling public money under any provision of the six preceding sections, it shall be sufficient evidence, prima facie, for the purpose of showing a balance against such person, to produce a transcript from the books and proceedings of the Treasury, as required in civil cases, under the provisions for the settlement of accounts between the United States and receivers of public money. [35 Stat. L. 1105.]

See R. S. sec. 5494, 6 Fed. Stat. Annot. 575.

SEC. 94. [*Prima facie evidence.*] The refusal of any person, whether in or out of office, charged with the safe-keeping, transfer, or disbursement of the public money to pay any draft, order, or warrant, drawn upon him by the proper accounting officer of the Treasury, for any public money in his hands belonging to the United States, no matter in what capacity the same may have been received, or may be held, or to transfer or disburse any such money, promptly, upon the legal requirement of any authorized officer, shall be deemed, upon the trial of any indictment against such person for embezzlement, *prima facie* evidence of such embezzlement. [35 Stat. L. 1106.]

See R. S. sec. 5495, 6 Fed. Stat. Annot. 576.

SEC. 95. [*Evidence of conversion.*] If any officer charged with the disbursement of the public moneys accepts, receives, or transmits to the Treasury Department to be allowed in his favor any receipt or voucher from a creditor of the United States without having paid to such creditor in such funds as the officer received for disbursement, or in such funds as he may be authorized by law to take in exchange, the full amount specified in such receipt or voucher, every such act is an act of conversion by such officer to his own use of the amount specified in such receipt or voucher. [35 Stat. L. 1106.]

See R. S. sec. 5496, 6 Fed. Stat. Annot. 576.

SEC. 96. [*Banker, etc., receiving deposit from disbursing officer.*] Every banker, broker, or other person not an authorized depository of public moneys, who shall knowingly receive from any disbursing officer, or collector of internal revenue, or other agent of the United States, any public money on deposit, or by way of loan or accommodation, with or without interest, or otherwise than in payment of a debt against the United States, or shall use, transfer, convert, appropriate, or apply any portion of the public money for any purpose not prescribed by law; and every president, cashier, teller, director, or other officer of any bank or banking association who shall violate any provision of this section is guilty of embezzlement of the public money so deposited, loaned, transferred, used, converted, appropriated, or applied, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both. [35 Stat. L. 1106.]

See R. S. sec. 5497, 6 Fed. Stat. Annot. 576. By reason of the rearrangement of sections, the former penalty is carried into the section, instead of having to refer to some other sec-

tion to discover the penalty. No change, therefore, has been made in the section, but the latter portion has been made a separate section, 97.

SEC. 97. [*Embezzlement by internal revenue officer, etc.*] Any officer connected with, or employed in, the Internal-Revenue Service of the United States, and any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or other property of the United States, and any officer of the United States, or any assistant of such officer, who shall embezzle or wrongfully convert to his own use any money or property which may have come into his possession or under his control in the execution of such office or employment, or under color or claim of authority as such officer or assistant, whether the same shall be the money or property of the United States or of some other person or party, shall, where the offense is not otherwise punishable by some statute of the United States, be fined not more than the value of the money and property thus embezzled or converted, or imprisoned not more than ten years, or both. [35 Stat. L. 1106.]

See R. S. sec. 5497, 6 Fed. Stat. Annot. 576.

SEC. 98. [*Officer contracting beyond specific appropriation.*] Whoever, being an officer of the United States, shall knowingly contract for the erection, repair, or furnishing of any public building, or for any public improvement, to pay a larger amount than the specific sum appropriated for such purpose, shall be fined not more than two thousand dollars and imprisoned not more than two years. [35 Stat. L. 1106.]

See R. S. sec. 5503, 6 Fed. Stat. Annot. 120.

SEC. 99. [*Officer of United States court failing to deposit moneys, etc.*] Whoever, being a clerk or other officer of a court of the United States, shall fail forthwith to deposit any money belonging in the registry of the court, or hereafter paid into court or received by the officers thereof, with the Treasurer, assistant treasurer, or a designated depository of the United States, in the name and to the credit of such court, or shall retain or convert to his own use or to the use of another any such money, is guilty of embezzlement, and shall be fined not more than the amount embezzled, or imprisoned not more than ten years, or both; but nothing herein shall be held to prevent the delivery of any such money upon security, according to agreement of parties, under the direction of the court. [35 Stat. L. 1106.]

See R. S. sec. 5504, 5 Fed. Stat. Annot. 71.

SEC. 100. [*Receiving loan or deposit from officer of court.*] Whoever shall knowingly receive, from a clerk or other officer of a court of the United States, as a deposit, loan, or otherwise, any money belonging in the registry of such court, is guilty of embezzlement, and shall be punished as prescribed in the preceding section. [35 Stat. L. 1107.]

See R. S. sec. 5505, 5 Fed. Stat. Annot. 72. Aside from transposition of language no change has been made in this section.

SEC. 101. [*Failure to make returns or reports.*] Every officer who neglects or refuses to make any return or report which he is required to make at stated times by any Act of Congress or regulation of the Department of the Treasury, other than his accounts, within the time prescribed by such Act or regulation, shall be fined not more than one thousand dollars. [35 Stat. L. 1107.]

See R. S. sec. 1780, 6 Fed. Stat. Annot. 606.

SEC. 102. [*Aiding in trading in obscene literature.*] Whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in violating any provision of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail, obscene or indecent publications, or representations, or means for preventing conception or producing abortion, or other article of indecent or immoral use or tendency, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1107.]

See R. S. sec. 1785, 6 Fed. Stat. Annot. 608, and Act of July 24, 1897, ch. 11, sec. 17, 3 Fed. Stat. Annot. 318. R. S. sec. 1785 was, in effect, superseded by sec. 17 of the Tariff Act

of July 24, 1897. The only change in the section is in the use of the word "producing" for "procuring."

SEC. 103. [*Collecting and disbursing officers forbidden to trade in public property.*] Whoever, being an officer of the United States concerned in the collection or the disbursement of the revenues thereof, shall carry on any trade or business in the funds or debts of the United States, or of any State, or in any public property of either, shall be fined not more than three thousand dollars,

or imprisoned not more than one year, or both, and be removed from office, and thereafter be incapable of holding any office under the United States. [35 Stat. L. 1107.]

See R. S. secs. 1766, 1769, 6 Fed. Stat. Annot. 609.

SEC. 104. [*Certain officers forbidden to purchase, etc., witness, etc., fees.*] Whoever, being a judge, clerk, or deputy clerk of any court of the United States, or of any territory thereof, or a United States district attorney, assistant attorney, marshal, deputy marshal, commissioner, or other person holding any office or employment, or position of trust or profit under the Government of the United States shall, either directly or indirectly, purchase at less than the full face value thereof, any claim against the United States for the fee, mileage, or expenses of any witness, juror, deputy marshal, or any other officer of the court whatsoever, shall be fined not more than one thousand dollars. [35 Stat. L. 1107.]

See the Act of Feb. 25, 1897, ch. 316, secs. 1, 2, 2 Fed. Stat. Annot. 15. Aside from a transposition of language no change has been made in this section.

SEC. 105. [*Falsely certifying, etc., as to record of deeds, etc.*] Whoever, being an officer or other person authorized by any law of the United States to record a conveyance of real property or any other instrument which by such law may be recorded, shall knowingly certify falsely that such conveyance or instrument has or has not been recorded, shall be fined not more than one thousand dollars, or imprisoned not more than seven years, or both. [35 Stat. L. 1107.]

This section is new, and is inserted for the purpose of providing a means of punishing officers of the United States for making false certificates with respect to documents and other matters under their charge.

SEC. 106. [*Other false certificates.*] Whoever, being a public officer or other person authorized by any law of the United States to make or give a certificate or other writing, shall knowingly make and deliver as true such a certificate or writing, containing any statement which he knows to be false, in a case where the punishment thereof is not elsewhere expressly provided by law, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1107.]

This section is new, and is inserted for the purpose of providing a means of punishing officers of the United States for making false certificates with respect to documents and other matters under their charge.

SEC. 107. [*Inspector of steamboats receiving illegal fees.*] Every inspector of steamboats who, upon any pretense, receives any fee or reward for his services, except what is allowed to him by law, shall forfeit his office, and be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1107.]

See R. S. sec. 5482, 7 Fed. Stat. Annot. 190.

SEC. 108. [*Pension agent taking fee, etc.*] Every pension agent, or other person employed or appointed by him, who takes, receives, or demands any fee or reward from any pensioner for any service in connection with the payment of his pension, shall be fined not more than five hundred dollars. [35 Stat. L. 1107.]

See R. S. sec. 5487, 5 Fed. Stat. Annot. 687.

SEC. 109. [*Officer not to be interested in claims against the United States.*] Whoever, being an officer of the United States, or a person holding any place of trust or profit, or discharging any official function under, or in connection with, any Executive Department of the Government of the United States, or under the Senate or House of Representatives of the United States, shall act as an agent or attorney for prosecuting any claim against the United States, or in any manner, or by any means, otherwise than in discharge of his proper official duties, shall aid or assist in the prosecution or support of any such claim, or receive any gratuity, or any share of or interest in any claim from any claimant against the United States, with intent to aid or assist, or in consideration of having aided or assisted, in the prosecution of such claim, shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1107.]

See R. S. sec. 5498, 6 Fed. Stat. Annot. 611.

SEC. 110. [*Member of Congress, etc., soliciting or accepting bribe, etc.*] Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, ask, accept, receive, or agree to receive, any money, property, or other valuable consideration, or any promise, contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value to him or to any person with his consent, connivance, or concurrence, for his attention to, or services, or with the intent to have his action, vote, or decision influenced, on any question, matter, cause, or proceeding, which may at any time be pending in either House of Congress or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity, or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place, and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States. [35 Stat. L. 1108.]

See R. S. sec. 1781, 1 Fed. Stat. Annot. 712; R. S. sec. 5450, 1 Fed. Stat. Annot. 713; R. S. sec. 5500, 1 Fed. Stat. Annot. 714; R. S. sec. 5502, 1 Fed. Stat. Annot. 715. In addition to a slight transposition of language, this section has been broadened so as to apply to members

of Congress from the time of their election or appointment and before qualification and during their continuance in office; and also so as to include resident commissioners. There are a few additional minor changes.

SEC. 111. [*Offering, etc., member of Congress bribe, etc.*] Whoever shall promise, offer, or give, or cause to be promised, offered, or given, any money or other thing of value, or shall make or tender any contract, undertaking, obligation, gratuity, or security for the payment of money or for the delivery or conveyance of anything of value, to any Member of either House of Congress, or Delegate to Congress, or Resident Commissioner, after his election or appointment and either before or after he has qualified, and during his continuance in office, or to any person with his consent, connivance, or concurrence, with intent to influence his action, vote, or decision, on any question, matter, cause, or proceeding which may at any time be pending in either House of Congress, or before any committee thereof, or which by law or under the Constitution may be brought before him in his official capacity or in his place as such Member, Delegate, or Resident Commissioner, shall be fined not more than three times the amount of money or value of the thing so promised, offered,

given, made, or tendered, and imprisoned not more than three years. [35 Stat. L. 1108.]

See R. S. sec. 5450, 1 Fed. Stat. Annot. 713. Comparison with that section will show a number of changes.

SEC. 112. [*Member of Congress taking consideration for procuring contract, office, etc. — offering member consideration, etc.*] Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being an officer or agent of the United States, shall directly or indirectly take, receive, or agree to receive, from any person, any money, property, or other valuable consideration whatever, for procuring, or aiding to procure, any contract, appointive office, or place, from the United States or from any officer or department thereof, for any person whatever, or for giving any such contract, appointive office, or place to any person whomsoever; or whoever, directly or indirectly, shall offer, or agree to give, or shall give, or bestow, any money, property, or other valuable consideration whatever, for the procuring, or aiding to procure, any such contract, appointive office, or place, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, be disqualified from holding any office of honor, profit, or trust under the Government of the United States. Any such contract or agreement may, at the option of the President, be declared void. [35 Stat. L. 1108.]

See R. S. sec. 1781, 1 Fed. Stat. Annot. 712. In addition to a slight transposition of language, this section has been broadened so as to apply to members of Congress from the

time of their election or appointment and before qualification and during their continuance in office; and also so as to include resident commissioners.

SEC. 113. [*Member of Congress, etc., taking compensation in matters to which United States is a party.*] Whoever, being elected or appointed a Senator, Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, or being the head of a department, or other officer or clerk in the employ of the United States, shall, directly or indirectly, receive, or agree to receive, any compensation whatever for any services rendered or to be rendered to any person, either by himself or another, in relation to any proceeding, contract, claim, controversy, charge, accusation, arrest, or other matter or thing in which the United States is a party or directly or indirectly interested, before any department, court-martial, bureau, officer, or any civil, military, or naval commission whatever, shall be fined not more than ten thousand dollars and imprisoned not more than two years; and shall, moreover, thereafter be incapable of holding any office of honor, trust, or profit under the Government of the United States. [35 Stat. L. 1109.]

See R. S. sec. 1782, 6 Fed. Stat. Annot. 606. In addition to a slight transposition of language, this section has been broadened so as to apply to members of Congress from the

time of their election or appointment and before qualification and during their continuance in office; and also so as to include resident commissioners.

SEC. 114. [*Member of Congress not to be interested in contract.*] Whoever, being elected or appointed a Member of or Delegate to Congress, or a Resident Commissioner, shall, after his election or appointment and either before or after he has qualified, and during his continuance in office, directly or indirectly, himself, or by any other person in trust for him, or for his use or benefit, or on his account, undertake, execute, hold, or enjoy, in whole or in part, any contract or agreement, made or entered into in behalf of the United States by any officer

or person authorized to make contracts on its behalf, shall be fined not more than three thousand dollars. All contracts or agreements made in violation of this section shall be void; and whenever any sum of money is advanced by the United States, in consideration of any such contract or agreement, it shall forthwith be repaid; and in case of failure or refusal to repay the same when demanded by the proper officer of the department under whose authority such contract or agreement shall have been made or entered into, suit shall at once be brought against the person so failing or refusing and his sureties, for the recovery of the money so advanced. [35 Stat. L. 1109.]

See R. S. sec. 3739, 6 Fed. Stat. Annot. 129. In addition to a slight transposition of language, this section has been broadened so as to apply to members of Congress from the time of their election or appointment and be-

fore qualification and during their continuance in office; and also so as to include resident commissioners. There are a few additional minor changes.

SEC. 115. [*Officer making contracts with member of Congress.*] Whoever being an officer of the United States, shall on behalf of the United States, directly or indirectly make or enter into any contract, bargain, or agreement, in writing or otherwise, with any Member of or Delegate to Congress, or any Resident Commissioner, after his election or appointment as such Member, Delegate, or Resident Commissioner, and either before or after he has qualified, and during his continuance in office, shall be fined not more than three thousand dollars. [35 Stat. L. 1109.]

See R. S. sec. 3742, 6 Fed. Stat. Annot. 131. In addition to a slight transposition of language, this section has been broadened so as to apply to members of Congress from the time of their election and before qualification and during their continuance in office; and also so

as to include resident commissioners. There are a few additional minor changes, and the words "other than such as are hereinbefore excepted" are omitted as unnecessary in view of the order in which the sections have been rearranged.

SEC. 116. [*Contracts to which two preceding sections do not apply.*] Nothing contained in the two preceding sections shall extend, or be construed to extend, to any contract or agreement made or entered into, or accepted, by any incorporated company, where such contract or agreement is made for the general benefit of such incorporation or company; nor to the purchase or sale of bills of exchange or other property by any Member of or Delegate to Congress, or Resident Commissioner, where the same are ready for delivery, and payment therefor is made, at the time of making or entering into the contract or agreement. [35 Stat. L. 1109.]

See R. S. sec. 3740, 6 Fed. Stat. Annot. 130. Because R. S. sec. 3742 has been inserted between R. S. sec. 3739 and sec. 3740, the exception contained in this section is made applica-

ble to the "two" preceding sections instead of "the" preceding section. The exception is also extended to resident commissioners.

SEC. 117. [*United States officer accepting bribe.*] Whoever, being an officer of the United States, or a person acting for or on behalf of the United States, in any official capacity, under or by virtue of the authority of any department or office of the Government thereof; or whoever, being an officer or person acting for or on behalf of either House of Congress, or of any committee of either House, or of both Houses thereof, shall ask, accept, or receive any money, or any contract, promise, undertaking, obligation, gratuity, or security for the payment of money, or for the delivery or conveyance of anything of value, with intent to have his decision or action on any question, matter, cause, or proceeding which may at any time be pending, or which may by law be brought before him in his official capacity, or in his place of trust or profit, influenced thereby, shall be fined not more than three times the amount of money or value of the

thing so asked, accepted, or received, and imprisoned not more than three years; and shall, moreover, forfeit his office or place and thereafter be forever disqualified from holding any office of honor, trust, or profit under the Government of the United States. [35 Stat. L. 1109.]

See R. S. secs. 5501, 5502, 1 Fed. Stat. Annot. 715. The punishment imposed for a violation of the provisions of R. S. sec. 5501 is to be found in R. S. secs. 5500, 5502. These

punishments are carried into this section. The only other changes made are merely for correct language.

SEC. 118. [*Political contributions not to be solicited by certain officers.*] No Senator or Representative in, or Delegate or Resident Commissioner to Congress, or Senator, Representative, Delegate, or Resident Commissioner elect, or officer or employee of either House of Congress, and no executive, judicial, military, or naval officer of the United States, and no clerk or employee of any department, branch, or bureau of the executive, judicial, or military or naval service of the United States, shall, directly or indirectly, solicit or receive, or be in any manner concerned in soliciting or receiving, any assessment, subscription, or contribution for any political purpose whatever, from any officer, clerk, or employee of the United States, or any department, branch, or bureau thereof, or from any person receiving any salary or compensation from moneys derived from the Treasury of the United States. [35 Stat. L. 1110.]

See the Act of Jan. 16, 1883, ch. 27, sec. 11, 1 Fed. Stat. Annot. 816. This section is amended so as to render resident commissioners subject to its provisions.

SEC. 119. [*Political contributions not to be received in public offices.*] No person shall, in any room or building occupied in the discharge of official duties by any officer or employee of the United States mentioned in the preceding section, or in any navy-yard, fort, or arsenal, solicit in any manner whatever or receive any contribution of money or other thing of value for any political purpose whatever. [35 Stat. L. 1110.]

See the Act of Jan. 16, 1883, ch. 27, sec. 12, 1 Fed. Stat. Annot. 816.

SEC. 120. [*Immunity from official proscription.*] No officer or employee of the United States mentioned in section one hundred and eighteen, shall discharge, or promote, or degrade, or in any manner change the official rank or compensation of any other officer or employee, or promise or threaten so to do, for giving or withholding or neglecting to make any contribution of money or other valuable thing for any political purpose. [35 Stat. L. 1110.]

See the Act of Jan. 16, 1883, ch. 27, sec. 13, 1 Fed. Stat. Annot. 816.

SEC. 121. [*Giving money to officials for political purposes prohibited.*] No officer, clerk, or other person in the service of the United States shall, directly or indirectly, give or hand over to any other officer, clerk, or person in the service of the United States, or to any Senator or Member of or Delegate to Congress, or Resident Commissioner, any money or other valuable thing on account of or to be applied to the promotion of any political object whatever. [35 Stat. L. 1110.]

See the Act of Jan. 16, 1883, ch. 27, sec. 14, 1 Fed. Stat. Annot. 816. This section is amended so as to make resident commissioners subject to its provisions.

SEC. 122. [*Penalty for violating provisions of four preceding sections.*] Whoever shall violate any provision of the four preceding sections shall be fined not more than five thousand dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1110.]

See the Act of Jan. 16, 1883, ch. 27, sec. 15, 1 Fed. Stat. Annot. 816.

SEC. 123. [*Governmental officer, etc., giving out advance information respecting crop reports.*] Whoever, being an officer or employee of the United States or a person acting for or on behalf of the United States in any capacity under or by virtue of the authority of any department or office thereof, and while holding such office, employment, or position shall, by virtue of the office, employment, or position held by him, become possessed of any information which might exert an influence upon or affect the market value of any product of the soil grown within the United States, which information is by law or by the rules of the department or office required to be withheld from publication until a fixed time, and shall willfully impart, directly or indirectly, such information, or any part thereof, to any person not entitled under the law or the rules of the department or office to receive the same; or shall, before such information is made public through regular official channels, directly or indirectly speculate in any such product respecting which he has thus become possessed of such information, by buying or selling the same in any quantity, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: *Provided*, That no person shall be deemed guilty of a violation of any such rule, unless prior to such alleged violation he shall have had actual knowledge thereof. [35 Stat. L. 1110.]

This section is new. Prior to this enactment it was not an offense for a statistician employed in a department of the United States government to impart in violation of his duty information concerning crops which had been collected by the department. *U. S. v. Haas*, (1906) 167 Fed. 218, wherein, referring to the above enactment, the court said: "The simple fact is that these defendants, if the allega-

tions of the indictment are true, were guilty of grossly dishonorable conduct, which might very properly be made criminal by statute. The defendant's counsel asserted on the argument that a bill for that purpose was pending in Congress. If such an act is passed, persons guilty of such misconduct can be criminally punished; but, in my opinion, until it is passed they cannot."

SEC. 124. [*Government officer, etc., knowingly compiling or issuing false statistics respecting crops.*] Whoever, being an officer or employee of the United States and whose duties require the compilation or report of statistics or information relative to the products of the soil, shall knowingly compile for issuance, or issue, any false statistics or information as a report of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1111.]

This section is new.

CHAPTER SIX.

OFFENSES AGAINST PUBLIC JUSTICE.

Sec.
125. Perjury.
126. Subornation of perjury.
127. Stealing or altering process; procuring false bail, etc.
128. Destroying, etc., public records.
129. Destroying records by officer in charge.
130. Forging signature of judge, etc.
131. Bribery of a judge or judicial officer.
132. Judge or judicial officer accepting a bribe, etc.
133. Juror, referee, master, etc., or judicial officer, etc., accepting bribe.
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135. Intimidation or corruption of witness, or grand or petit juror, or officer.

Sec.
136. Conspiring to intimidate party, witness, or juror.
137. Attempt to influence juror.
138. Allowing prisoner to escape.
139. Application of preceding section.
140. Obstructing process or assaulting an officer.
141. Rescuing, etc., prisoner; concealing, etc., person for whom warrant has issued.
142. Rescue at execution.
143. Rescue of prisoner.
144. Rescue of body of executed offender.
145. Extortion by informer.
146. Misprision of felony.

SEC. 125. [*Perjury.*] Whoever, having taken an oath before a competent tribunal, officer, or person, in any case in which a law of the United States

authorizes an oath to be administered, that he will testify, declare, depose, or certify truly, or that any written testimony, declaration, deposition, or certificate by him subscribed, is true, shall willfully and contrary to such oath state or subscribe any material matter which he does not believe to be true, is guilty of perjury, and shall be fined not more than two thousand dollars and imprisoned not more than five years. [35 Stat. L. 1111.]

See R. S. sec. 5392, 5 Fed. Stat. Annot. 701. The change in this section consists in the omission of the provision declaring that a person found guilty of perjury shall be incapable of giving testimony in any court of the United States until such time as the judgment

against him shall be reversed. In many of the states this bar has been removed, leaving the court or jury to say in each case what weight shall be given the testimony of any such witness.

SEC. 126. [*Subornation of perjury.*] Whoever shall procure another to commit any perjury is guilty of subornation of perjury, and punishable as in the preceding section prescribed. [35 Stat. L. 1111.]

See R. S. sec. 5393, 5 Fed. Stat. Annot. 705.

SEC. 127. [*Stealing or altering process; procuring false bail, etc.*] Whoever shall feloniously steal, take away, alter, falsify, or otherwise avoid any record, writ, process, or other proceeding, in any court of the United States, by means whereof any judgment is reversed, made void, or does not take effect; or whoever shall acknowledge, or procure to be acknowledged, in any such court, any recognizance, bail, or judgment, in the name of any other person not privy or consenting to the same, shall be fined not more than five thousand dollars, or imprisoned not more than seven years, or both; but this provision shall not extend to the acknowledgment of any judgment by an attorney, duly admitted, for any person against whom such judgment is had or given. [35 Stat. L. 1111.]

See R. S. sec. 5394, 5 Fed. Stat. Annot. 383. The only change in this section is that authorizing the imposition of both fine and imprisonment.

SEC. 128. [*Destroying, etc., public records.*] Whoever shall willfully and unlawfully conceal, remove, mutilate, obliterate, or destroy, or attempt to conceal, remove, mutilate, obliterate, or destroy, or, with intent to conceal, remove, mutilate, obliterate, destroy, or steal, shall take and carry away any record, proceeding, map, book, paper, document, or other thing, filed or deposited with any clerk or officer of any court of the United States, or in any public office, or with any judicial or public officer of the United States, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1111.]

See R. S. sec. 5403, 6 Fed. Stat. Annot. 764. The change in this section consists in adding the words, "and unlawfully conceal, remove, mutilate, obliterate," and a few additional

minor changes. The words "without reference to the value of the record, paper, document, or proceeding so taken" are omitted as redundant.

SEC. 129. [*Destroying records by officer in charge.*] Whoever, having the custody of any record, proceeding, map, book, document, paper, or other thing specified in the preceding section, shall willfully and unlawfully conceal, remove, mutilate, obliterate, falsify, or destroy any such record, proceeding, map, book, document, paper, or thing, shall be fined not more than two thousand dollars, or imprisoned not more than three years, or both; and shall moreover forfeit his office and be forever afterward disqualified from holding any office under the Government of the United States. [35 Stat. L. 1112.]

See R. S. sec. 5408, 6 Fed. Stat. Annot. 764. The changes in this section are similar to those made in sec. 128. In view of these

changes, the words "specified in section fifty-four hundred and three" are dropped as being unnecessary.

SEC. 130. [*Forging signature of judge, etc.*] Whoever shall forge the signature of any judge, register, or other officer of any court of the United States, or of any Territory thereof, or shall forge or counterfeit the seal of any such court, or shall knowingly concur in using any such forged or counterfeit signature or seal, for the purpose of authenticating any proceeding or document, or shall tender in evidence any such proceeding or document with a false or counterfeit signature of any such judge, register, or other officer, or a false or counterfeit seal of the court, subscribed or attached thereto, knowing such signature or seal to be false or counterfeit, shall be fined not more than five thousand dollars and imprisoned not more than five years. [35 Stat. L. 1112.]

See R. S. sec. 5419, 2 Fed. Stat. Annot. 302.

SEC. 131. [*Bribery of a judge or judicial officer.*] Whoever, directly or indirectly, shall give or offer, or cause to be given or offered, any money, property, or value of any kind, or any promise or agreement therefor, or any other bribe, to any judge, judicial officer, or other person authorized by any law of the United States to hear or determine any question, matter, cause, proceeding, or controversy, with intent to influence his action, vote, opinion, or decision thereon, or because of any such action, vote, opinion, or decision, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall forever be disqualified to hold any office of honor, trust, or profit under the United States. [35 Stat. L. 1112.]

See R. S. sec. 5449, 1 Fed. Stat. Annot. 712. The punishment for a violation of R. S. sec. 5449 is a fine and imprisonment at the dis-

cretion of the court. A maximum fine and imprisonment has here been fixed.

SEC. 132. [*Judge or judicial officer accepting a bribe, etc.*] Whoever, being a judge of the United States, shall in anywise accept or receive any sum of money, or other bribe, present, or reward, or any promise, contract, obligation, gift, or security for the payment of money, or for the delivery or conveyance of anything of value, with the intent to be influenced thereby in any opinion, judgment, or decree in any suit, controversy, matter, or cause depending before him, or because of any such opinion, ruling, decision, judgment, or decree, shall be fined not more than twenty thousand dollars, or imprisoned not more than fifteen years, or both; and shall be forever disqualified to hold any office of honor, trust, or profit under the United States. [35 Stat. L. 1112.]

See R. S. sec. 5499, 1 Fed. Stat. Annot. 714. The only change in this section consists in fixing the maximum fine and imprisonment

which may be imposed. It was formerly left to the discretion of the court.

SEC. 133. [*Juror, referee, master, etc., or judicial officer, etc., accepting a bribe.*] Whoever, being a juror, referee, arbitrator, appraiser, assessor, auditor, master, receiver, United States commissioner, or other person authorized by any law of the United States to hear or determine any question, matter, cause, controversy, or proceeding, shall ask, receive, or agree to receive, any money, property, or value of any kind, or any promise or agreement therefor, upon any agreement or understanding that his vote, opinion, action, judgment, or decision shall be influenced thereby, or because of any such vote, opinion, action, judgment, or decision, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1112.]

This section is new, and is but an extension of the principle contained in secs. 131, 132. It was deemed better to provide for the pun-

ishment of such acts by separate sections, rather than by the incorporation of the necessary provisions in the latter sections.

SEC. 134. [*Witness accepting bribe.*] Whoever, being, or about to be, a witness upon a trial, hearing, or other proceeding, before any court or any officer authorized by the laws of the United States to hear evidence or take testimony, shall receive, or agree or offer to receive, a bribe, upon any agreement or understanding that his testimony shall be influenced thereby, or that he will absent himself from the trial, hearing, or other proceeding, or because of such testimony, or such absence, shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1113.]

This section is new. See note under sec. 133.

SEC. 135. [*Intimidation or corruption of witness or grand or petit juror or officer.*] Whoever corruptly, or by threats or force, or by any threatening letter or communication, shall endeavor to influence, intimidate, or impede any witness, in any court of the United States or before any United States commissioner or officer acting as such commissioner, or any grand or petit juror, or officer in or of any court of the United States, or officer who may be serving at any examination or other proceeding before any United States commissioner or officer acting as such commissioner, in the discharge of his duty, or who corruptly or by threats or force, or by any threatening letter or communication, shall influence, obstruct, or impede, or endeavor to influence, obstruct, or impede, the due administration of justice therein, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1113.]

See R. S. sec. 5399, 5 Fed. Stat. Annot. 388; R. S. sec. 5404, 5 Fed. Stat. Annot. 390. R. S. secs. 5399 and 5404 are so closely related in their subject-matter that they have been consolidated, and have also been enlarged so

as to punish the unlawful acts denounced, when the matter is pending before a United States commissioner or an officer acting as a commissioner.

SEC. 136. [*Conspiring to intimidate party, witness, or juror.*] If two or more persons conspire to deter by force, intimidation, or threat, any party or witness in any court of the United States, or in any examination before a United States commissioner or officer acting as such commissioner, from attending such court or examination, or from testifying to any matter pending therein, freely, fully, and truthfully, or to injure such party or witness in his person or property on account of his having so attended or testified, or to influence the verdict, presentment, or indictment of any grand or petit juror in any such court, or to injure such juror in his person or property on account of any verdict, presentment, or indictment lawfully assented to by him, or on account of his being or having been such juror, each of such persons shall be fined not more than five thousand dollars, or imprisoned not more than six years, or both. [35 Stat. L. 1113.]

See R. S. sec. 5406, 5 Fed. Stat. Annot. 391. The change in this section consists in the omission from the first line of the words "in any state or territory," so that the acts denounced in the section may be punished when committed with respect to witnesses called, or

jurors chosen, in any court of the United States, and also in making the provisions of the section applicable to hearings before United States commissioners or officers acting as such.

SEC. 137. [*Attempt to influence juror.*] Whoever shall attempt to influence the action or decision of any grand or petit juror of any court of the United States upon any issue or matter pending before such juror, or before the jury of which he is a member, or pertaining to his duties, by writing or sending to him any letter or any communication, in print or writing, in relation to such

issue or matter, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1113.]

See R. S. sec. 5405, 5 Fed. Stat. Annot. 391. The only change in this section consists in the omission of the words "without the order previously obtained of the court before which the juror is summoned."

SEC. 138. [*Allowing prisoner to escape.*] Whenever any marshal, deputy marshal, ministerial officer, or other person has in his custody any prisoner by virtue of process issued under the laws of the United States by any court, judge, or commissioner, and such marshal, deputy marshal, ministerial officer, or other person voluntarily suffers such prisoner to escape, he shall be fined not more than two thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1113.]

See R. S. sec. 5409, 2 Fed. Stat. Annot. 874.

SEC. 139. [*Application of preceding section.*] The preceding section shall be construed to apply not only to cases in which the prisoner who escaped was charged or found guilty of an offense against the laws of the United States, and to cases in which the prisoner may be in custody charged with offenses against any foreign government with which the United States have treaties of extradition, but also to cases in which the prisoner may be held in custody for removal to or from the Philippine Islands as provided by law. [35 Stat. L. 1113.]

See R. S. sec. 5410, 2 Fed. Stat. Annot. 874, and the Act of Feb. 6, 1905, ch. 454, sec. 2, 10 Fed. Stat. Annot. 260. To this section has been added language carrying into it the provisions of sec. 2 of the Act of Feb. 6, 1905, relative to the extradition of persons to and from the Philippine Islands.

SEC. 140. [*Obstructing process or assaulting an officer.*] Whoever shall knowingly and willfully obstruct, resist, or oppose any officer of the United States, or other person duly authorized, in serving, or attempting to serve or execute, any mesne process or warrant, or any rule or order, or any other legal or judicial writ or process of any court of the United States, or United States commissioner, or shall assault, beat, or wound any officer or other person duly authorized, knowing him to be such officer, or other person so duly authorized, in serving or executing any such writ, rule, order, process, warrant, or other legal or judicial writ or process, shall be fined not more than three hundred dollars and imprisoned not more than one year. [35 Stat. L. 1114.]

See R. S. sec. 5398, 5 Fed. Stat. Annot. 384. Aside from a transposition of the language of the section, the only other changes consist in extending its provisions to any person authorized to serve or execute any writ or process, and to writs and process issued by United States commissioners.

SEC. 141. [*Rescuing, etc., prisoner; concealing, etc., person for whom warrant has issued.*] Whoever shall rescue or attempt to rescue, from the custody of any officer or person lawfully assisting him, any person arrested upon a warrant or other process issued under the provisions of any law of the United States, or shall, directly or indirectly, aid, abet, or assist any person so arrested to escape from the custody of such officer or other person, or shall harbor or conceal any person for whose arrest a warrant or process has been so issued, so as to prevent his discovery and arrest, after notice or knowledge of the fact that a warrant or process has been issued for the apprehension of such person, shall be fined not more than one thousand dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1114.]

See R. S. sec. 5516, 1 Fed. Stat. Annot. 804. R. S. sec. 5516 applies only to obstructing officers in the enforcement of the provisions of sections in the title "Civil Rights" (R. S. secs. 1977-1991). The section has been so broadened as to punish whoever shall rescue

or attempt to rescue from any officer any person held under process of any court of the United States. That portion of the section which relates to obstructing process is omitted as being covered by sec. 140, *supra*.

SEC. 142. [*Rescue at execution.*] Whoever, by force, shall set at liberty or rescue any person found guilty in any court of the United States of any capital crime, while going to execution or during execution, shall be fined not more than twenty-five thousand dollars and imprisoned not more than twenty-five years. [35 Stat. L. 1114.]

See R. S. sec. 5400, 6 Fed. Stat. Annot. 773. The punishment for rescuing any person sentenced to death, while going to or during execution, was life imprisonment. It has here

been reduced to a fine not exceeding twenty-five thousand dollars and imprisonment not exceeding twenty-five years.

SEC. 143. [*Rescue of prisoner.*] Whoever, by force, shall set at liberty or rescue any person who, before conviction, stands committed for any capital crime; or whoever, by force, shall set at liberty or rescue any person committed for or convicted of any offense other than capital, shall be fined not more than five hundred dollars and imprisoned not more than one year. [35 Stat. L. 1114.]

See R. S. sec. 5401, 6 Fed. Stat. Annot. 773.

SEC. 144. [*Rescue of body of executed offender.*] Whoever, by force, shall rescue or attempt to rescue, from the custody of any marshal or his officers, the dead body of an executed offender, while it is being conveyed to a place of dissection, as provided by section three hundred and thirty-one hereof, or by force shall rescue or attempt to rescue such body from the place where it has been deposited for dissection in pursuance of that section, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1114.]

See R. S. sec. 5402, 6 Fed. Stat. Annot. 773. The only change made in this section consists in the transposition of language and the dropping of redundant matter.

SEC. 145. [*Extortion by informer.*] Whoever shall, under a threat of informing, or as a consideration for not informing, against any violation of any law of the United States, demand or receive any money or other valuable thing, shall be fined not more than two thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1114.]

See R. S. sec. 5484, 3 Fed. Stat. Annot. 805. This section has been changed so as to provide a punishment for "demanding" as well as

"receiving" any money or valuable thing under a threat of informing or as a consideration for not informing.

SEC. 146. [*Misprision of felony.*] Whoever, having knowledge of the actual commission of the crime of murder or other felony cognizable by the courts of the United States, conceals and does not as soon as may be disclose and make known the same to some one of the judges or other persons in civil or military authority under the United States, shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1114.]

See R. S. sec. 5390, 2 Fed. Stat. Annot. 355. The change in this section consists in the omission of the enumeration of the places within or upon which the crime may be com-

mitted, and in substituting therefor the words "cognizable by the courts of the United States."

CHAPTER SEVEN.

OFFENSES AGAINST THE CURRENCY, COINAGE, ETC.

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| <p>Sec.
147. "Obligation or other security of the United States" defined.
148. Forging or counterfeiting United States securities.
149. Counterfeiting national-bank notes.
150. Using plates to print notes without authority, etc.
151. Passing, selling, concealing, etc., forged obligations.
152. Taking impressions of tools, implements, etc.
153. Having in possession unlawfully such impressions.
154. Buying, selling, or dealing in forged bonds, notes, etc.
155. Secreting or removing tools or material used for printing bonds, notes, stamps, etc.
156. Counterfeiting notes, bonds, etc., of foreign governments.
157. Passing such forged notes, bonds, etc.
158. Counterfeiting notes of foreign banks.
159. Passing such counterfeit bank notes.
160. Having in possession such forged notes, bonds, etc.
161. Having unlawfully in possession or using plates for such notes, bonds, etc.
162. Connecting parts of different instruments.
163. Counterfeiting gold or silver coins or bars.</p> | <p>Sec.
164. Counterfeiting minor coins.
165. Falsifying, mutilating, or lightening coinage.
166. Debasement of coinage by officers of the Mint.
167. Making or uttering coins in resemblance of money.
168. Making or issuing devices of minor coins.
169. Counterfeiting, etc., dies for coins of United States.
170. Counterfeiting, etc., dies for foreign coins.
171. Making, importing, or having in possession tokens, prints, etc., similar to United States or foreign coins.
172. Counterfeit obligations, securities, coins, or material for counterfeiting, to be forfeited.
173. Issue of search warrant for suspected counterfeiters, etc.; forfeiture.
174. Circulating bills of expired corporations.
175. Imitating national-bank notes with printed advertisements thereon.
176. Mutilating or defacing national-bank notes.
177. Imitating United States securities or printing business cards on them.
178. Notes of less than one dollar not to be issued.</p> |
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SEC. 147. [*"Obligation or other security of the United States" defined.*] The words "obligation or other security of the United States" shall be held to mean all bonds, certificates of indebtedness, national-bank currency, coupons, United States notes, Treasury notes, gold certificates, silver certificates, fractional notes, certificates of deposit, bills, checks, or drafts for money, drawn by or upon authorized officers of the United States, stamps and other representatives of value, of whatever denomination, which have been or may be issued under any Act of Congress. [35 Stat. L. 1115.]

See R. S. sec. 5413, 2 Fed. Stat. Annot. 298. The change in this section consists in the insertion of the words "gold certificates, silver certificates."

SEC. 148. [*Forging or counterfeiting United States securities.*] Whoever, with intent to defraud, shall falsely make, forge, counterfeit, or alter any obligation or other security of the United States shall be fined not more than five thousand dollars and imprisoned not more than fifteen years. [35 Stat. L. 1115.]

See R. S. sec. 5414, 2 Fed. Stat. Annot. 298.

SEC. 149. [*Counterfeiting national-bank notes.*] Whoever shall falsely make, forge, or counterfeit, or cause or procure to be made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting, any note in imitation of, or purporting to be in imitation of, the circulating notes issued by any banking association now or hereafter authorized and acting under the laws of the United States; or whoever shall pass, utter, or publish, or attempt to pass, utter, or publish, any false, forged, or counterfeited note, purporting to be issued by any such association doing a banking

business, knowing the same to be falsely made, forged, or counterfeited; or whoever shall falsely alter, or cause or procure to be falsely altered, or shall willingly aid or assist in falsely altering, any such circulating notes, or shall pass, utter, or publish, or attempt to pass, utter, or publish as true, any falsely altered or spurious circulating note issued, or purporting to have been issued, by any such banking association, knowing the same to be falsely altered or spurious, shall be fined not more than one thousand dollars and imprisoned not more than fifteen years. [85 Stat. L. 1115.]

See R. S. sec. 5415, 2 Fed. Stat. Annot. 299.

SEC. 150. [*Using plates to print notes without authority, etc.*] Whoever, having control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed, or which may be prepared by direction of the Secretary of the Treasury for the purpose of printing, any obligation or other security of the United States, shall use such plate, stone, or other thing, or any part thereof, or knowingly suffer the same to be used for the purpose of printing any such or similar obligation or other security, or any part thereof, except as may be printed for the use of the United States by order of the proper officer thereof; or whoever by any way, art, or means shall make or execute, or cause or procure to be made or executed, or shall assist in making or executing any plate, stone, or other thing in the likeness of any plate designated for the printing of such obligation or other security; or whoever shall sell any such plate, stone, or other thing, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, any such plate, stone, or other thing, except under the direction of the Secretary of the Treasury or other proper officer, or with any other intent, in either case, than that such plate, stone, or other thing be used for the printing of the obligations or other securities of the United States; or whoever shall have in his control, custody, or possession any plate, stone, or other thing in any manner made after or in the similitude of any plate, stone, or other thing, from which any such obligation or other security has been printed, with intent to use such plate, stone, or other thing, or to suffer the same to be used in forging or counterfeiting any such obligation or other security, or any part thereof; or whoever shall have in his possession or custody, except under authority from the Secretary of the Treasury or other proper officer, any obligation or other security made or executed, in whole or in part, after the similitude of any obligation or other security issued under the authority of the United States, with intent to sell or otherwise use the same; or whoever shall print, photograph, or in any other manner make or execute, or cause to be printed, photographed, made, or executed, or shall aid in printing, photographing, making, or executing any engraving, photograph, print, or impression in the likeness of any such obligation or other security, or any part thereof, or shall sell any such engraving, photograph, print, or impression, except to the United States, or shall bring into the United States or any place subject to the jurisdiction thereof, from any foreign place any such engraving, photograph, print, or impression, except by direction of some proper officer of the United States; or whoever shall have or retain in his control or possession, after a distinctive paper has been adopted by the Secretary of the Treasury for the obligations and other securities of the United States, any similar paper adapted to the making of any such obligation or other security, except under the authority of the Secretary of the Treasury or some other proper officer of the United States, shall be fined not more than five thousand dollars, or imprisoned not more than fifteen years, or both. [85 Stat. L. 1116.]

See R. S. sec. 5430, 2 Fed. Stat. Annot. 305. This section is broadened so as to embrace every method which may be employed in counterfeiting the obligations of the United States;

and its provisions are extended so as to apply in any place under the jurisdiction of the United States. The other changes are of minor importance.

SEC. 151. [*Passing, selling, concealing, etc., forged obligations.*] Whoever, with intent to defraud, shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or shall bring into the United States or any place subject to the jurisdiction thereof, with intent to pass, publish, utter, or sell, or shall keep in possession or conceal with like intent, any falsely made, forged, counterfeited, or altered obligation or other security of the United States, shall be fined not more than five thousand dollars and imprisoned not more than fifteen years. [35 Stat. L. 1116.]

See R. S. sec. 5431, 2 Fed. Stat. Annot. 307. The provisions of this section are extended so as to apply in any place subject to the jurisdiction of the United States.

SEC. 152. [*Taking impressions of tools, implements, etc.*] Whoever, without authority from the United States, shall take, procure, or make, upon lead, foil, wax, plaster, paper, or any other substance or material, an impression, stamp, or imprint of, from, or by the use of any bedplate, bedpiece, die, roll, plate, seal, type, or other tool, implement, instrument, or thing used or fitted or intended to be used in printing, stamping, or impressing, or in making other tools, implements, instruments, or things to be used or fitted or intended to be used in printing, stamping, or impressing any kind or description of obligation or other security of the United States now authorized or hereafter to be authorized by the United States, or circulating note or evidence of debt of any banking association under the laws thereof, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1117.]

See R. S. sec. 5432, 2 Fed. Stat. Annot. 308.

SEC. 153. [*Having in possession unlawfully such impressions.*] Whoever, with intent to defraud, shall have in his possession, keeping, custody, or control, without authority from the United States, any imprint, stamp, or impression, taken or made upon any substance or material whatsoever, of any tool, implement, instrument, or thing, used, or fitted or intended to be used, for any of the purposes mentioned in the preceding section; or whoever, with intent to defraud, shall sell, give, or deliver any such imprint, stamp, or impression to any other person, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1117.]

See R. S. sec. 5433, 2 Fed. Stat. Annot. 309.

SEC. 154. [*Buying or selling, or dealing in forged bonds, notes, etc.*] Whoever shall buy, sell, exchange, transfer, receive, or deliver any false, forged, counterfeited, or altered obligation or other security of the United States, or circulating note of any banking association organized or acting under the laws thereof, which has been or may hereafter be issued by virtue of any Act of Congress, with the intent that the same be passed, published, or used as true and genuine, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1117.]

See R. S. sec. 5434, 2 Fed. Stat. Annot. 309.

SEC. 155. [*Secreting or removing tools or material used for printing bonds, notes, stamps, etc.*] Whoever, without authority from the United States, shall secrete within, embezzle, or take and carry away from any building, room,

office, apartment, vault, safe, or other place where the same is kept, used, employed, placed, lodged, or deposited by authority of the United States, any bedpiece, bedplate, roll, plate, die, seal, type, or other tool, implement, or thing used or fitted to be used in stamping or printing, or in making some other tool or implement used or fitted to be used in stamping or printing, any kind or description of bond, bill, note, certificate, coupon, postage stamp, revenue stamp, fractional currency note, or other paper, instrument, obligation, device, or document, now or hereafter authorized by law to be printed, stamped, sealed, prepared, issued, uttered, or put in circulation on behalf of the United States; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material prepared and intended to be used in the making of any such papers, instruments, obligations, devices, or documents; or whoever, without such authority, shall so secrete, embezzle, or take and carry away any paper, parchment, or other material printed or stamped, in whole or part, and intended to be prepared, issued, or put in circulation on behalf of the United States as one of the papers, instruments, or obligations hereinbefore named, or printed or stamped, in whole or part, in the similitude of any such paper, instrument, or obligation, whether intended to issue or put the same in circulation or not, shall be fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1117.]

See R. S. sec. 5453, 2 Fed. Stat. Annot. 309.

SEC. 156. [*Counterfeiting notes, bonds, etc., of foreign governments.*] Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit any bond, certificate, obligation, or other security in imitation of, or purporting to be an imitation of, any bond, certificate, obligation, or other security of any foreign government, issued or put forth under the authority of such foreign government, or any treasury note, bill, or promise to pay issued by such foreign government, and intended to circulate as money, either by law, order, or decree of such foreign government; or whoever shall cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid or assist in making, altering, forging, or counterfeiting, any such bond, certificate, obligation, or other security, or any such treasury note, bill, or promise to pay, intended as aforesaid to circulate as money, shall be fined not more than five thousand dollars and imprisoned not more than five years. [35 Stat. L. 1118.]

See the Act of May 16, 1884, ch. 52, sec. 1, subject to the jurisdiction of the United States. 2 Fed. Stat. Annot. 315. The provisions of this section are extended to apply to any place

SEC. 157. [*Passing such forged notes, bonds, etc.*] Whoever, within the United States or any place subject to the jurisdiction thereof, knowingly and with intent to defraud, shall utter, pass, or put off, in payment or negotiation, any false, forged, or counterfeited bond, certificate, obligation, security, treasury note, bill, or promise to pay, mentioned in the section last preceding, whether the same was made, altered, forged, or counterfeited within the United States or not, shall be fined not more than three thousand dollars and imprisoned not more than three years. [35 Stat. L. 1118.]

See the Act of May 16, 1884, ch. 52, sec. 2, extended so as to apply in any place subject to the jurisdiction of the United States. 2 Fed. Stat. Annot. 316. The language of this section has been transposed and its provisions

SEC. 158. [*Counterfeiting notes of foreign banks.*] Whoever, within the United States or any place subject to the jurisdiction thereof, with intent to defraud, shall falsely make, alter, forge, or counterfeit, or cause or procure to be so falsely made, altered, forged, or counterfeited, or shall knowingly aid and assist in the false making, altering, forging, or counterfeiting of any bank note or bill issued by a bank or corporation of any foreign country, and intended by the law or usage of such foreign country to circulate as money, such bank or corporation being authorized by the laws of such country, shall be fined not more than two thousand dollars and imprisoned not more than two years. [35 Stat. L. 1118.]

See the Act of May 16, 1884, ch. 52, sec. 3, 2 Fed. Stat. Annot. 316. The language of this section has been transposed and its provisions extended so as to apply in any place subject to the jurisdiction of the United States.

SEC. 159. [*Passing such counterfeit bank notes.*] Whoever, within the United States or any place subject to the jurisdiction thereof, shall utter, pass, put off, or tender in payment, with intent to defraud, any such false, forged, altered, or counterfeited bank note or bill, as mentioned in the preceding section, knowing the same to be so false, forged, altered, and counterfeited, whether the same was made, forged, altered, or counterfeited within the United States or not, shall be fined not more than one thousand dollars and imprisoned not more than one year. [35 Stat. L. 1118.]

See the Act of May 16, 1884, ch. 52, sec. 4, 2 Fed. Stat. Annot. 316. This section is broadened so as to apply in any place subject to the jurisdiction of the United States.

SEC. 160. [*Having in possession such forged notes, bonds, etc.*] Whoever, within the United States or any place subject to the jurisdiction thereof, shall have in his possession any false, forged, or counterfeit bond, certificate, obligation, security, treasury note, bill, promise to pay, bank note, or bill issued by a bank or corporation of any foreign country, with intent to utter, pass, or put off the same, or to deliver the same to any other person with intent that the same may thereafter be uttered, passed, or put off as true, or shall knowingly deliver the same to any other person with such intent, shall be fined not more than one thousand dollars and imprisoned not more than one year. [35 Stat. L. 1118.]

See the Act of May 16, 1884, ch. 52, sec. 5, 2 Fed. Stat. Annot. 317. Aside from dropping the word "other" before "corporation," the only change consists in extending its provisions so that it will apply in any place subject to the jurisdiction of the United States.

SEC. 161. [*Having unlawfully in possession or using plates for such notes, bonds, etc.*] Whoever, within the United States or any place subject to the jurisdiction thereof, except by lawful authority, shall have control, custody, or possession of any plate, stone, or other thing, or any part thereof, from which has been printed or may be printed any counterfeit note, bond, obligation, or other security, in whole or in part, of any foreign government, bank, or corporation, or shall use such plate, stone, or other thing, or knowingly permit or suffer the same to be used in counterfeiting such foreign obligations, or any part thereof; or whoever shall make or engrave, or cause or procure to be made or engraved, or shall assist in making or engraving, any plate, stone, or other thing, in the likeness or similitude of any plate, stone, or other thing designated for the printing of the genuine issues of the obligations of any foreign government, bank, or corporation; or whoever shall print, photograph, or in any other manner make, execute, or sell, or cause to be printed, photographed, made, executed, or sold, or shall aid in printing, photographing, mak-

ing, executing, or selling, any engraving, photograph, print, or impression in the likeness of any genuine note, bond, obligation, or other security, or any part thereof, of any foreign government, bank, or corporation; or whoever shall bring into the United States or any place subject to the jurisdiction thereof, any counterfeit plate, stone, or other thing, or engraving, photograph, print, or other impressions of the notes, bonds, obligations, or other securities of any foreign government, bank, or corporation, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1118.]

See the Act of May 16, 1884, ch. 52, sec. 6, 2 Fed. Stat. Annot. 317. Aside from the transposition of language and the extension of the provisions of this section so that they will apply in any place subject to the jurisdiction

of the United States, there are other changes which are made for the purpose of punishing the counterfeiting, by any means whatever, of the obligations of any foreign government, bank, or corporation.

SEC. 162. [*Connecting parts of different instruments.*] Whoever shall so place or connect together different parts of two or more notes, bills, or other genuine instruments issued under the authority of the United States, or by any foreign government, or corporation, as to produce one instrument, with intent to defraud, shall be deemed guilty of forgery in the same manner as if the parts so put together were falsely made or forged, and shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1119.]

This section is new, and is intended to punish the "raising" of notes by combining two or more notes.

SEC. 163. [*Counterfeiting gold or silver coins or bars.*] Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin or bars in resemblance or similitude of the gold or silver coins or bars which have been, or hereafter may be, coined or stamped at the mints and assay offices of the United States, or in resemblance or similitude of any foreign gold or silver coin which by law is, or hereafter may be, current in the United States, or are in actual use and circulation as money within the United States; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be false, forged, or counterfeit, with intent to defraud any body politic or corporate, or any person or persons whomsoever, or shall have in his possession any such false, forged, or counterfeited coin or bars, knowing the same to be false, forged, or counterfeited, with intent to defraud any body politic or corporate, or any person or persons whomsoever, shall be fined not more than five thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1119.]

See R. S. sec. 5457, 2 Fed. Stat. Annot. 310. The change in this section consists in extending its provisions so as to apply to any

place subject to the jurisdiction of the United States.

SEC. 164. [*Counterfeiting minor coins.*] Whoever shall falsely make, forge, or counterfeit, or cause or procure to be falsely made, forged, or counterfeited, or shall willingly aid or assist in falsely making, forging, or counterfeiting any coin in the resemblance or similitude of any of the minor coins which have been, or hereafter may be, coined at the mints of the United States; or whoever shall pass, utter, publish, or sell, or bring into the United States

or any place subject to the jurisdiction thereof, from any foreign place, or have in his possession any such false, forged, or counterfeited coin, with intent to defraud any person whomsoever, shall be fined not more than one thousand dollars and imprisoned not more than three years. [35 Stat. L. 1119.]

See R. S. sec. 5458, 2 Fed. Stat. Annot. 313. The change in this section consists in extending its provisions so as to apply to any

place subject to the jurisdiction of the United States.

SEC. 165. [*Falsifying, mutilating, or lightening coinage.*] Whoever, fraudulently, by any art, way, or means, shall deface, mutilate, impair, diminish, falsify, scale, or lighten, or cause or procure to be fraudulently defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, or willingly aid or assist in fraudulently defacing, mutilating, impairing, diminishing, falsifying, scaling, or lightening, the gold or silver coins which have been, or which may hereafter be, coined at the mints of the United States, or any foreign gold or silver coins which are by law made current or are in actual use or circulation as money within the United States or in any place subject to the jurisdiction thereof; or whoever shall pass, utter, publish, or sell, or attempt to pass, utter, publish, or sell, or bring into the United States or any place subject to the jurisdiction thereof, from any foreign place, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, or shall have in his possession any such defaced, mutilated, impaired, diminished, falsified, scaled, or lightened coin, knowing the same to be defaced, mutilated, impaired, diminished, falsified, scaled, or lightened, with intent to defraud any person whomsoever, shall be fined not more than two thousand dollars and imprisoned not more than five years. [35 Stat. L. 1119.]

See R. S. sec. 5459, 2 Fed. Stat. Annot. 148. The change in this section consists in extending its provisions so as to apply to any

place subject to the jurisdiction of the United States.

SEC. 166. [*Debasement of coinage by officers of the Mint.*] If any of the gold or silver coins struck or coined at any of the mints of the United States shall be debased, or made worse as to the proportion of fine gold or fine silver therein contained, or shall be of less weight or value than the same ought to be, pursuant to law, or if any of the scales or weights used at any of the mints or assay offices of the United States shall be defaced, altered, increased, or diminished through the fault or connivance of any officer or person employed at the said mints or assay offices, with a fraudulent intent; or if any such officer or person shall embezzle any of the metals at any time committed to his charge for the purpose of being coined, or any of the coins struck or coined at the said mints, or any medals, coins, or other moneys of said mints or assay offices at any time committed to his charge, or of which he may have assumed the charge, every such officer or person who commits any of the said offenses shall be fined not more than ten thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1120.]

See R. S. sec. 5460, 2 Fed. Stat. Annot. 148. The changes in this section consist in the insertion of the words "scales," "altered," and

the substitution of "his" for "their." These changes are self-explanatory.

SEC. 167. [*Making or uttering coins in resemblance of money.*] Whoever, except as authorized by law, shall make or cause to be made, or shall utter or pass, or attempt to utter or pass, any coins of gold or silver or other metal, or alloys of metals, intended for the use and purpose of current money, whether

in the resemblance of coins of the United States or of foreign countries, or of original design, shall be fined not more than three thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1120.]

See R. S. sec. 5461, 2 Fed. Stat. Annot. 149.

SEC. 168. [*Making or issuing devices of minor coins.*] Whoever, not lawfully authorized, shall make, issue, or pass, or cause to be made, issued, or passed, any coin, card, token, or device in metal, or its compounds, which may be intended to be used as money for any one-cent, two-cent, three-cent, or five-cent piece, now or hereafter authorized by law, or for coins of equal value, shall be fined not more than one thousand dollars and imprisoned not more than five years. [35 Stat. L. 1120.]

See R. S. sec. 5462, 2 Fed. Stat. Annot. 149.

SEC. 169. [*Counterfeiting, etc., dies for coins of United States.*] Whoever, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or plaster, or any other substance whatsoever, in likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining or making of any of the genuine gold, silver, nickel, bronze, copper, or other coins of the United States, that have been or hereafter may be coined at the mints of the United States; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall permit the same to be used for or in aid of the counterfeiting of any of the coins of the United States hereinbefore mentioned, shall be fined not more than five thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1120.]

See the Act of Feb. 10, 1891, ch. 127, sec. 1, 2 Fed. Stat. Annot. 314. "In the cases of *United States v. Keller* and others, charged, among other things, with having in their possession dies for counterfeiting the coin of some of the South American republics, the District Court for the Southern District of New York held that to constitute an offense under section 2 of the Act of Feb. 10, 1891, it was not only necessary to show the possession of the dies by the defendants, but also that they had them in possession 'with intent to fraudulently or unlawfully use' them in making counterfeit coin. The court further points out the doubt which arises as to the construction of the section because of the arrangement of the language thereof. While the criticism of the court is directed against section 2 of that

Act, it also applies, in a less degree, to section 1, which relates to the making of dies, etc., for counterfeiting the coin of the United States. To remove this doubt the committee has transposed the language of both sections, and has dropped from each section the words 'with intent to fraudulently use the same,' and by transposing and repeating the words 'without lawful authority.' The committee believes that a person who has in his possession dies which may be used in counterfeiting any coin should be required to show that his possession is lawful, and that the government should not be required to prove that he has them in possession 'with the intent to fraudulently and unlawfully' use them for counterfeiting." *Report of Committee on Revision.*

SEC. 170. [*Counterfeiting, etc., dies for foreign coins.*] Whoever, within the United States or any place subject to the jurisdiction thereof, without lawful authority, shall make, or cause or procure to be made, or shall willingly aid or assist in making, any die, hub, or mold, or any part thereof, either of steel or of plaster, or of any other substance whatsoever, in the likeness or similitude, as to the design or the inscription thereon, of any die, hub, or mold designated for the coining of the genuine coin of any foreign government; or whoever, without lawful authority, shall have in his possession any such die, hub, or mold, or any part thereof, or shall conceal, or knowingly suffer the same to be used for the counterfeiting of any foreign coin, shall be fined not

more than two thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1120.]

See the Act of Feb. 10, 1891, ch. 127, sec. 2, 2 Fed. Stat. Annot. 314. See note under sec. 169, *supra*.

SEC. 171. [*Making, importing, or having in possession tokens, prints, etc., similar to United States or foreign coins.*] Whoever, within the United States or any place subject to the jurisdiction thereof, shall make, or cause or procure to be made, or shall bring therein, from any foreign country, or shall have in possession with intent to sell, give away, or in any other manner use the same, any business or professional card, notice, placard, token, device, print, or impression, or any other thing whatsoever, in the likeness or similitude as to design, color, or the inscription thereon, of any of the coins of the United States or of any foreign country that have been or hereafter may be issued as money, either under the authority of the United States or under the authority of any foreign government, shall be fined not more than one hundred dollars. But nothing in this section shall be construed to forbid or prevent the printing and publishing of illustrations of coins and medals, or the making of the necessary plates for the same, to be used in illustrating numismatic and historical books and journals and the circulars of legitimate publishers and dealers in the same. [35 Stat. L. 1121.]

See the Acts of Feb. 10, 1891, ch. 127, sec. 3, 2 Fed. Stat. Annot. 149; March 3, 1903, ch. 1015, sec. 1, 10 Fed. Stat. Annot. 56. Aside from minor corrections of language, the only

change made in this section is the extending of its provisions so that they will apply in any place subject to the jurisdiction of the United States.

SEC. 172. [*Counterfeit obligations, securities, coins, or material for counterfeiting, to be forfeited.*] All counterfeits of any obligation or other security of the United States or of any foreign government, or counterfeits of any of the coins of the United States or of any foreign government, and all material or apparatus fitted or intended to be used, or that shall have been used, in the making of any such counterfeit obligation or other security or coins hereinbefore mentioned, that shall be found in the possession of any person without authority from the Secretary of the Treasury or other proper officer to have the same, shall be taken possession of by any authorized agent of the Treasury Department and forfeited to the United States, and disposed of in any manner the Secretary of the Treasury may direct. Whoever having the custody or control of any such counterfeits, material, or apparatus shall fail or refuse to surrender possession thereof upon request by any such authorized agent of the Treasury Department, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1121.]

See the Act of Feb. 10, 1891, ch. 127, sec. 4, 2 Fed. Stat. Annot. 314. The amendment to this section consists of the provision which

punishes the refusal to surrender to agents of the Treasury counterfeit coin, apparatus, etc.

SEC. 173. [*Issue for search warrant for suspected counterfeits, etc.; forfeiture.*] The several judges of courts established under the laws of the United States and United States commissioners may, upon proper oath or affirmation, within their respective jurisdictions, issue a search warrant authorizing any marshal of the United States, or any other person specially mentioned in such warrant, to enter any house, store, building, boat, or other place named in such warrant, in which there shall appear probable cause for believing that the manufacture of counterfeit money, or the concealment of counterfeit money, or the manufacture or concealment of counterfeit obligations or coins of the

United States or of any foreign government, or the manufacture or concealment of dies, hubs, molds, plates, or other things fitted or intended to be used for the manufacture of counterfeit money, coins, or obligations of the United States or of any foreign government, or of any bank doing business under the authority of the United States or of any State or Territory thereof, or of any bank doing business under the authority of any foreign government, or of any political division of any foreign government, is being carried on or practiced, and there search for any such counterfeit money, coins, dies, hubs, molds, plates, and other things, and for any such obligations, and if any such be found, to seize and secure the same and to make return thereof to the proper authority; and all such counterfeit money, coins, dies, hubs, molds, plates, and other things, and all such counterfeit obligations so seized shall be forfeited to the United States. [35 Stat. L. 1121.]

See the Act of Feb. 10, 1891, ch. 127, sec. 5, 2 Fed. Stat. Annot. 315. Under the Act revised in this section, search warrants could be executed "in the daytime only." These words have been omitted.

SEC. 174. [*Circulating bills of expired corporations.*] In all cases where the charter of any corporation which has been or may be created by Act of Congress has expired or may hereafter expire, if any director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose of paying or redeeming its notes and obligations, shall knowingly issue, reissue, or utter as money, or in any other way knowingly put in circulation any bill, note, check, draft, or other security purporting to have been made by any such corporation whose charter has expired, or by any officer thereof, or purporting to have been made under authority derived therefrom, or if any person shall knowingly aid in any such act, he shall be fined not more than ten thousand dollars, or imprisoned not more than five years, or both. But nothing herein shall be construed to make it unlawful for any person, not being such director, officer, or agent of the corporation, or any trustee thereof, or any agent of such trustee, or any person having in his possession or under his control the property of the corporation for the purpose hereinbefore set forth, who has received or may hereafter receive such bill, note, check, draft, or other security, bona fide and in the ordinary transactions of business, to utter as money or otherwise circulate the same. [35 Stat. L. 1122.]

See R. S. sec. 5437, 2 Fed. Stat. Annot. 370.

SEC. 175. [*Imitating national-bank notes with printed advertisements thereon.*] It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use any business or professional card, notice, placard, circular, handbill, or advertisement in the likeness or similitude of any circulating note or other obligation or security of any banking association organized or acting under the laws of the United States which has been or may be issued under any Act of Congress, or to write, print, or otherwise impress upon any such note, obligation, or security, any business or professional card, notice or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1122.]

See R. S. sec. 5188, 5 Fed. Stat. Annot. 123. The former law subjected the offender to a penalty of one hundred dollars, one-half to the use of the informer. This has been changed to fine and imprisonment.

SEC. 176. [*Mutilating or defacing national-bank notes.*] Whoever shall mutilate, cut, deface, disfigure, or perforate with holes, or unite or cement together, or do any other thing to any bank bill, draft, note, or other evidence of debt, issued by any national banking association, or shall cause or procure the same to be done, with intent to render such bank bill, draft, note, or other evidence of debt unfit to be reissued by said association, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1122.]

See R. S. sec. 5189, 5 Fed. Stat. Annot. 123. The former law subjected the offender to a penalty of fifty dollars; this has been changed to fine and imprisonment.

SEC. 177. [*Imitating United States securities or printing business cards on them.*] It shall not be lawful to design, engrave, print, or in any manner make or execute, or to utter, issue, distribute, circulate, or use, any business or professional card, notice, placard, circular, handbill, or advertisement, in the likeness or similitude of any bond, certificate of indebtedness, certificate of deposit, coupon, United States note, Treasury note, gold certificate, silver certificate, fractional note, or other obligation or security of the United States which has been or may be issued under or authorized by any Act of Congress heretofore passed or which may hereafter be passed; or to write, print, or otherwise impress upon any such instrument, obligation, or security, any business or professional card, notice, or advertisement, or any notice or advertisement of any matter or thing whatever. Whoever shall violate any provision of this section shall be fined not more than five hundred dollars. [35 Stat. L. 1122.]

See R. S. sec. 3708, 6 Fed. Stat. Annot. 146. Under the former law the offender was subjected to a penalty of one hundred dollars,

one-half recoverable to the use of the informer. The words "gold certificate, silver certificate" have been added.

SEC. 178. [*Notes of less than one dollar not to be issued.*] No person shall make, issue, circulate, or pay out any note, check, memorandum, token, or other obligation for a less sum than one dollar, intended to circulate as money or to be received or used in lieu of lawful money of the United States; and every person so offending shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1122.]

See R. S. sec. 3583, 2 Fed. Stat. Annot. 369.

CHAPTER EIGHT.

OFFENSES AGAINST THE POSTAL SERVICE.

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SEC. 179. [*Conducting post office without authority.*] Whoever, without authority from the Postmaster-General, shall set up or profess to keep any office or place of business bearing the sign, name, or title of post-office, shall be fined not more than five hundred dollars. [35 Stat. L. 1123.]

See R. S. sec. 3829, 5 Fed. Stat. Annot. 792. The change in this section consists in substituting fine for penalty.

SEC. 180. [*Illegal carrying of mail by carriers and others.*] Whoever, being concerned in carrying the mail, shall collect, receive, or carry any letter or packet, or cause or procure the same to be done, contrary to law, shall be fined not more than fifty dollars, or imprisoned not more than thirty days, or both. [35 Stat. L. 1123.]

See R. S. sec. 3981, 5 Fed. Stat. Annot. 904. Imprisonment, or both fine and imprisonment, have been added as the penalty attached to a violation of this section.

SEC. 181. [*Conveyance of mail by private express forbidden.*] Whoever shall establish any private express for the conveyance of letters or packets, or in any manner cause or provide for the conveyance of the same by regular trips or at stated periods over any post route which is or may be established by law, or from any city, town, or place, to any other city, town, or place, between which the mail is regularly carried, or whoever shall aid or assist therein shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both: *Provided*, That nothing contained in this section shall be construed as prohibiting any person from receiving and delivering to the nearest post-office, postal car, or other authorized depository for mail matter, any mail matter properly stamped. [35 Stat. L. 1123.]

See R. S. sec. 3982, 5 Fed. Stat. Annot. 904, and Act of March 3, 1879, ch. 180, sec. 1, 5 Fed. Stat. Annot. 906. This section is formed by merging two Acts, and is modified by pro-

viding fine or imprisonment, or both, in place of a penalty, and also by enlarging the proviso by adding the words "or other authorized depository for mail matter."

SEC. 182. [*Transporting persons unlawfully conveying mail.*] Whoever, being the owner, driver, conductor, master, or other person having charge of any stagecoach, railway car, steamboat, or other vehicle or vessel, shall knowingly convey or knowingly permit the conveyance of any person acting or employed as a private express for the conveyance of letters or packets, and actually in possession of the same for the purpose of conveying them, contrary

to law, shall be fined not more than one hundred and fifty dollars. [35 Stat. L. 1124.]

See R. S. sec. 3983, 5 Fed. Stat. Annot. 907. The changes in this section consist in transposing the language, in omitting redundant

matter, and in substituting fine or imprisonment, or both, in lieu of a penalty of one hundred and fifty dollars.

SEC. 183. [*Sending letters by private express.*] Whoever shall transmit by private express or other unlawful means, or deliver to any agent thereof, or deposit or cause to be deposited at any appointed place, for the purpose of being so transmitted, any letter or packet, shall be fined not more than fifty dollars. [35 Stat. L. 1124.]

See R. S. sec. 3984, 5 Fed. Stat. Annot. 907. A fine of "not more than" fifty dollars is substituted for a penalty of fifty dollars.

SEC. 184. [*Conveying of letters over post routes.*] Whoever, being the owner, driver, conductor, master, or other person having charge of any stage-coach, railway car, steamboat, or conveyance of any kind which regularly performs trips at stated periods on any post route, or from any city, town, or place to any other city, town, or place between which the mail is regularly carried, and which shall carry, otherwise than in the mail, any letters or packets, except such as relate to some part of the cargo of such steamboat or other vessel, to the current business of the carrier, or to some article carried at the same time by the same stage-coach, railway car, or other vehicle, except as otherwise provided by law, shall be fined not more than fifty dollars. [35 Stat. L. 1124.]

See R. S. sec. 3985, 5 Fed. Stat. Annot. 907. This section has been rewritten for the purpose of omitting redundant matter, and broad-

ened so as to make it apply to a conveyance of any kind. The penalty for its violation has been reduced.

SEC. 185. [*Carrying letters out of the mail on board of vessel.*] Whoever shall carry any letter or packet on board any vessel which carries the mail, otherwise than in such mail, except as otherwise provided by law, shall be fined not more than fifty dollars, or imprisoned not more than one month, or both. [35 Stat. L. 1124.]

See R. S. sec. 3986, 5 Fed. Stat. Annot. 908. A fine or imprisonment, or both, is substituted in lieu of the penalty formerly pro-

vided for a violation of the provisions of this section.

SEC. 186. [*When conveying of letters by private persons is lawful.*] Nothing in this chapter shall be construed to prohibit the conveyance or transmission of letters or packets by private hands without compensation, or by special messenger employed for the particular occasion only. [35 Stat. L. 1124.]

See R. S. sec. 3992, 5 Fed. Stat. Annot. 910.

SEC. 187. [*Wearing uniform of carrier without authority.*] Whoever, not being connected with the letter-carrier branch of the postal service, shall wear the uniform or badge which may be prescribed by the Postmaster-General, to be worn by letter carriers, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1124.]

See R. S. sec. 3867, 5 Fed. Stat. Annot. 821. While the language of this section has been transposed, the only change made in it

is that punishing the unlawful wearing of any "badge" prescribed for letter carriers.

SEC. 188. [*Vehicles, etc., claiming to be mail carriers.*] It shall be unlawful to paint, print, or in any manner to place upon or attach to any steamboat or

other vessel, or any car, stage-coach, vehicle, or other conveyance, not actually used in carrying the mail, the words "United States Mail," or any words, letters, or characters of like import; or to give notice, by publishing in any newspaper or otherwise, that any steamboat or other vessel, or any car, stage-coach, vehicle, or other conveyance, is used in carrying the mail, when the same is not actually so used; and every person who shall violate, and every owner, receiver, lessee, or managing operator thereof, who shall cause, suffer, or permit the violation of any provision of this section, shall be liable, and shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1124.]

See R. S. sec. 3979, 5 Fed. Stat. Annot. 904. R. S. sec. 3979 punishes the person who paints upon or attaches to any car or boat the words "United States Mail," when the same is not engaged in carrying the mail. But this sec-

tion does not reach the person who directs or causes it to be done. For this reason the section has been broadened so that it will reach those in authority and responsible for the unlawful use of such words.

SEC. 189. [*Injuring mail bags, etc.*] Whoever shall tear, cut, or otherwise injure any mail bag, pouch, or other thing used or designed for use in the conveyance of the mail, or shall draw or break any staple or loosen any part of any lock, chain, or strap attached thereto, with intent to rob or steal any such mail, or to render the same insecure, shall be fined not more than five hundred dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1124.]

See R. S. sec. 5476, 5 Fed. Stat. Annot. 972.

SEC. 190. [*Stealing post-office property.*] Whoever shall steal, purloin, or embezzle any mail bag or other property in use by or belonging to the Post-Office Department, or shall appropriate any such property to his own or any other than its proper use, or shall convey away any such property to the hindrance or detriment of the public service, shall be fined not more than two hundred dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1124.]

See R. S. sec. 5475, 5 Fed. Stat. Annot. 971. The change in this section consists in the omission of the words "for any lucre, gain or convenience," wherever they occur, so that the

mere stealing, embezzling, or purloining shall constitute an offense, irrespective of the intent with which the property is taken.

SEC. 191. [*Stealing or forging mail locks or keys.*] Whoever shall steal, purloin, embezzle, or obtain by any false pretense, or shall aid or assist in stealing, purloining, embezzling, or obtaining by any false pretense, any key suited to any lock adopted by the Post-Office Department and in use on any of the mails or bags thereof, or any key to any lock box, lock drawer, or other authorized receptacle for the deposit or delivery of mail matter; or whoever shall knowingly and unlawfully make, forge, or counterfeit, or cause to be unlawfully made, forged, or counterfeited, any such key, or shall have in his possession any such mail lock or key with the intent unlawfully or improperly to use, sell, or otherwise dispose of the same, or to cause the same to be unlawfully or improperly used, sold, or otherwise disposed of; or whoever, being engaged as a contractor or otherwise in the manufacture of any such mail lock or key, shall deliver or cause to be delivered, any finished or unfinished lock or key used or designed for use by the department, or the interior part of any such lock, to any person not duly authorized under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive the same, unless the person receiving it is the contractor for furnishing the same or engaged in

the manufacture thereof in the manner authorized by the contract, or the agent of such manufacturer, shall be fined not more than five hundred dollars and imprisoned not more than ten years. [35 Stat. L. 1125.]

See R. S. sec. 5477, 5 Fed. Stat. Annot. 972. This section is broadened by affording protection to all classes of receptacles for the

receipt or delivery of mail matter, and also by providing a fine as a part of the punishment in addition to imprisonment.

SEC. 192. [*Breaking into and entering post office.*] Whoever shall forcibly break into or attempt to break into any post-office, or any building used in whole or in part as a post-office, with intent to commit in such post-office, or building, or part thereof, so used, any larceny or other depredation, shall be fined not more than one thousand dollars and imprisoned not more than five years. [35 Stat. L. 1125.]

See R. S. sec. 5478, 5 Fed. Stat. Annot. 972. This section has been reframed so as to express in precise language the true meaning of the section as construed by the courts.

SEC. 193. [*Unlawfully entering postal car, etc.*] Whoever, by violence, shall enter a post-office car, or any apartment in any car, steamboat, or vessel, assigned to the use of the Mail Service, or shall willfully or maliciously assault or interfere with any postal clerk in the discharge of his duties in connection with such car, steamboat, vessel, or apartment thereof, or shall willfully aid or assist therein, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1125.]

See the Act of March 3, 1903, ch. 1009, sec. 5, 10 Fed. Stat. Annot. 337. This section has been enlarged so as to protect postal clerks

employed on vessels; and the words "or both" have been added at the end of the section.

SEC. 194. [*Stealing, secreting, embezzling, etc., mail matter or contents.*] Whoever shall steal, take, or abstract, or by fraud or deception obtain, from or out of any mail, post-office, or station thereof, or other authorized depository for mail matter, or from a letter or mail carrier, any letter, postal card, package, bag, or mail, or shall abstract or remove from any such letter, package, bag, or mail, any article or thing contained therein, or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail, or any article or thing contained therein; or whoever shall buy, receive, or conceal, or aid in buying, receiving, or concealing, or shall unlawfully have in his possession, any letter, postal card, package, bag, or mail, or any article or thing contained therein, which has been so stolen, taken, embezzled, or abstracted, as herein described, knowing the same to have been so stolen, taken, embezzled, or abstracted; or whoever shall take any letter, postal card, or package, out of any post-office or station thereof, or out of any authorized depository for mail matter, or from any letter or mail carrier, or which has been in any post-office or station thereof, or other authorized depository, or in the custody of any letter or mail carrier, before it has been delivered to the person to whom it was directed, with a design to obstruct the correspondence, or to pry into the business or secrets of another, or shall open, secrete, embezzle, or destroy the same, shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1125.]

See R. S. sec. 3892, 5 Fed. Stat. Annot. 838; R. S. sec. 5469, 5 Fed. Stat. Annot. 965; R. S. sec. 5470, 5 Fed. Stat. Annot. 968. The three Revised Statutes sections from which this section is derived enumerate the various articles or things the taking of which is made punish-

able. This enumeration has been omitted and the section changed so as to punish the taking of anything from the mail by one not authorized to do so. The other changes are of minor importance.

SEC. 195. [*Postmaster or employee of postal service detaining, destroying, or embezzling letter, etc.*] Whoever, being a postmaster or other person employed in any department of the postal service, shall unlawfully detain, delay, or open any letter, postal card, package, bag, or mail intrusted to him or which shall come into his possession, and which was intended to be conveyed by mail, or carried or delivered by any carrier, messenger, agent, or other person employed in any department of the postal service, or forwarded through or delivered from any post-office or station thereof established by authority of the Postmaster-General; or shall secrete, embezzle, or destroy any such letter, postal card, package, bag, or mail; or shall steal, abstract, or remove from any such letter, package, bag, or mail, any article or thing contained therein, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1125.]

See R. S. secs. 3890, 3891, 5 Fed. Stat. Annot. 837; R. S. sec. 5467, 5 Fed. Stat. Annot. 959. This section punishes any person employed in the postal service for unlawfully

delaying or interfering with the mail, and omits the enumeration of the articles mentioned in the three Revised Statutes sections from which it is derived.

SEC. 196. [*Postmaster, etc., detaining or destroying newspapers.*] Whoever, being a postmaster or other person employed in any department of the postal service, shall improperly detain, delay, embezzle, or destroy any newspaper, or permit any other person to detain, delay, embezzle, or destroy the same, or open, or permit any other person to open, any mail or package of newspapers not directed to the office where he is employed; or whoever shall open, embezzle, or destroy any mail or package of newspapers not being directed to him, and he not being authorized to open or receive the same; or whoever shall take or steal any mail or package of newspapers from any post-office or from any person having custody thereof, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1126.]

See R. S. sec. 5471, 5 Fed. Stat. Annot. 969. The punishment provided in this section is changed so as to apply to all persons, whether in or out of the postal service, and is

increased both as to fine and imprisonment, in view of the changes in the character of mail matter.

SEC. 197. [*Assaulting mail carrier with intent to rob, and robbing mail.*] Whoever shall assault any person having lawful charge, control, or custody of any mail matter, with intent to rob, steal, or purloin such mail matter or any part thereof, or shall rob any such person of such mail or any part thereof, shall, for a first offense, be imprisoned not more than ten years; and if in effecting or attempting to effect such robbery, he shall wound the person having custody of the mail, or put his life in jeopardy by the use of a dangerous weapon; or for a subsequent offense, shall be imprisoned twenty-five years. [35 Stat. L. 1126.]

See R. S. sec. 5472, 5 Fed. Stat. Annot. 969; R. S. sec. 5473, 5 Fed. Stat. Annot. 970. The Revised Statutes sections from which this section is derived provided life imprisonment for one of the offenses therein described, and

a minimum imprisonment of two years and five years respectively, with a maximum of ten years imprisonment, for other offenses therein described.

SEC. 198. [*Injuring letter boxes or mail matter; assaulting carrier, etc.*] Whoever shall willfully injure, tear down, or destroy any letter box, pillar box, lock box, lock drawer, or other receptacle established or approved by the Postmaster-General for the safe deposit of matter for the mail or for delivery, or any lock or similar device belonging or attached thereto, or any letter box or other receptacle designated or approved by the Postmaster-General for the

receipt or delivery of mail matter on any rural free-delivery route, star route, or other mail route, or shall break open the same; or shall willfully injure, deface, or destroy any mail matter deposited in any letter box, pillar box, lock box, lock drawer, or other receptacle established or approved by the Postmaster-General for the safe deposit of matter for the mail or for delivery; or shall willfully take or steal such matter from or out of any such letter box, pillar box, lock box, lock drawer, or other receptacle, or shall willfully and maliciously assault any letter or mail carrier, knowing him to be such, while engaged on his route in the discharge of his duty as such carrier, or shall willfully aid or assist in any offense defined in this section, shall be fined not more than one thousand dollars, or imprisoned not more than three years, or both. [35 Stat. L. 1126.]

See R. S. sec. 3869, 5 Fed. Stat. Annot. 822; R. S. sec. 5466, 7 Fed. Stat. Annot. 105; Act of April 21, 1902, ch. 563, sec. 1, 5 Fed. Stat. Annot. 822; Act of March 3, 1903, ch. 1009,

sec. 3, 10 Fed. Stat. Annot. 333. This section has been broadened in its terms so as to protect all facilities now used in connection with the mail service.

SEC. 199. [*Deserting the mail.*] Whoever, having taken charge of any mail, shall voluntarily quit or desert the same before he has delivered it into the post-office at the termination of the route, or to some known mail carrier, messenger, agent, or other employee in the postal service authorized to receive the same, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1126.]

See R. S. sec. 5474, 5 Fed. Stat. Annot. 971. Aside from the omission of redundant matter, the only change in this section con-

sists in providing that both fine and imprisonment may be imposed.

SEC. 200. [*Delivery of letters by master of vessel.*] The master or other person having charge or control of any steamboat or other vessel passing between ports or places in the United States, arriving at any such port or place where there is a post-office, shall deliver to the postmaster or at the post-office within three hours after his arrival, if in the daytime, and if at night, within two hours after the next sunrise, all letters and packages brought by him or within his power or control and not relating to the cargo, addressed to or destined for such port or place, for which he shall receive from the postmaster two cents for each letter or package so delivered, unless the same is carried under a contract for carrying the mail; and for every failure so to deliver such letters or packages, the master or other person having charge or control of such steamboat or other vessel, shall be fined not more than one hundred and fifty dollars. [35 Stat. L. 1126.]

See R. S. sec. 3977, 5 Fed. Stat. Annot. 904. The words "or other person having charge or control" have been inserted in this section,

together with other slight changes. Nothing material has been omitted.

SEC. 201. [*Obstructing the mail.*] Whoever shall knowingly and willfully obstruct or retard the passage of the mail, or any carriage, horse, driver, or carrier, or car, steamboat, or other conveyance or vessel carrying the same, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1127.]

See R. S. sec. 3995, 5 Fed. Stat. Annot. 911. This section is broadened so as to punish the interference or retarding of the mail and of

any facility now used in transporting it, and by providing for imprisonment as a part of the punishment.

SEC. 202. [*Ferryman delaying the mail.*] Whoever, being a ferryman, shall delay the passage of the mail by willful neglect or refusal to transport

the same across any ferry, shall be fined not more than one hundred dollars. [35 Stat. L. 1127.]

See R. S. sec. 3996, 5 Fed. Stat. Annot. 915. The punishment for a violation of this section has been changed from a penalty of fifty dol-

lars to a fine of "not more than one hundred dollars."

SEC. 203. [*Letters carried in a foreign vessel to be deposited in a post office.*] All letters or other mailable matter conveyed to or from any part of the United States by any foreign vessel, except such sealed letters relating to such vessel or any part of the cargo thereof as may be directed to the owners or consignees of the vessel, shall be subject to postage charge, whether addressed to any person in the United States or elsewhere, provided they are conveyed by the packet or other ship of a foreign country imposing postage on letters or other mailable matter conveyed to or from such country by any vessel of the United States; and such letters or other mailable matter carried in foreign vessels, except such sealed letters relating to the vessel or any part of the cargo thereof as may be directed to the owners or consignees, shall be delivered into the United States post-office by the master or other person having charge or control of such vessel when arriving, and be taken from the United States post-office when departing, and the postage justly chargeable by law paid thereon; and for refusing or failing to do so, or for conveying such letters or other mailable matter, or any letters or other mailable matter, intended to be conveyed in any vessel of such foreign country, over or across the United States, or any portion thereof, the party offending shall be fined not more than one thousand dollars. [35 Stat. L. 1127.]

See R. S. sec. 4016, 5 Fed. Stat. Annot. 932. This section has been changed so as to punish a person having charge or control of a vessel

for failing to comply with its provisions, and also makes clear the prohibition against the carrying of mailable matter other than letters.

SEC. 204. [*Vessels to deliver letters at post office; oath.*] No vessel arriving within a port or collection district of the United States shall be allowed to make entry or break bulk until all letters on board are delivered to the nearest post-office, and the master or other person having charge or control thereof has signed and sworn to the following declaration before the collector or other proper customs officer:

I, A. B., master ———, of the ———, arriving from ———, and now lying in the port of ———, do solemnly swear (or affirm) that I have to the best of my knowledge and belief delivered to the post-office at ——— every letter and every bag, packet, or parcel of letters which was on board the said vessel during her last voyage, or which were in my possession or under my power or control.

And any master or other person having charge or control of such vessel who shall break bulk before he has delivered such letters shall be fined not more than one hundred dollars. [35 Stat. L. 1127.]

See R. S. sec. 3988, 5 Fed. Stat. Annot. 908. This section is changed so as to punish the person having charge or control of any vessel for failing to comply with its provisions.

SEC. 205. [*Using, selling, etc., canceled stamps, removing cancellation marks from stamps, etc.*] Whoever shall use or attempt to use in payment of postage, any canceled postage stamp, whether the same has been used or not; or shall remove, attempt to remove, or assist in removing, the canceling or defacing marks from any postage stamp, or the superscription from any stamped envelope, or postal card, that has once been used in payment of postage, with the intent to use the same for a like purpose, or to sell or offer to sell the same,

or shall knowingly have in possession any such postage stamp, stamped envelope, or postal card, with intent to use the same, or shall knowingly sell or offer to sell any such postage stamp, stamped envelope, or postal card, or use or attempt to use the same in payment of postage; or whoever unlawfully and willfully shall remove from any mail matter any stamp attached thereto in payment of postage; or shall knowingly use or cause to be used in payment of postage, any postage stamp, postal card, or stamped envelope, issued in pursuance of law, which has already been used for a like purpose; shall, if he be a person employed in the postal service, be fined not more than five hundred dollars, or imprisoned not more than three years, or both; and if he be a person not employed in the postal service, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1127.]

See R. S. secs. 3922, 3923, 3924, 3925, and the Act of March 3, 1879, ch. 180, sec. 28, 5 Fed. Stat. Annot. 869, 870. This section is intended to embrace the provisions of the five sections embodied therein. Instead of having sections punishing the acts made penal when

performed by one in the postal service, and other sections punishing the same act when committed by persons outside the service, the same end has been attained by providing different punishments in the same section for the two classes of persons.

SEC. 206. [*False returns to increase compensation.*] Whoever, being a postmaster or other person employed in any branch of the postal service, shall make, or assist in making, or cause to be made, a false return, statement, or account to any officer of the United States, or shall make, assist in making, or cause to be made, a false entry in any record, book, or account, required by law or the rules or regulations of the Post-Office Department to be kept in respect of the business or operations of any post-office or other branch of the postal service, for the purpose of fraudulently increasing his compensation or the compensation of the postmaster or any employee in a post-office; or whoever, being a postmaster or other person employed in any post-office or station thereof, shall induce, or attempt to induce, for the purpose of increasing the emoluments or compensation of his office, any person to deposit mail matter in, or forward in any manner for mailing at, the office where such postmaster or other person is employed, knowing such matter to be properly mailable at another post-office, shall be fined not more than five hundred dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1128.]

See the Act of June 17, 1878, ch. 259, sec. 1, 5 Fed. Stat. Annot. 813. The language of this section is nearly all new. It is intended

to punish any act designed fraudulently to increase the compensation of a postmaster or any employee in the post office.

SEC. 207. [*Collection of unlawful postage forbidden.*] Whoever, being a postmaster or other person authorized to receive the postage of mail matter, shall fraudulently demand or receive any rate of postage or gratuity or reward other than is provided by law for the postage of such mail matter, shall be fined not more than one hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1128.]

See R. S. sec. 3899, 5 Fed. Stat. Annot. 853. The words "postage of mail matter" have been substituted for "postage of letters or

packets," and imprisonment has been added as a part of the punishment.

SEC. 208. [*Unlawful pledging or sale of stamps.*] Whoever, being a postmaster or other person employed in any branch of the postal service, and being intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts, or in the purchase of merchandise or other salable articles, or pledge or hypothecate the

same, or sell or dispose of them except for cash; or sell or dispose of postage stamps or postal cards for any larger or less sum than the values indicated on their faces; or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities; or sell or dispose of, or cause to be sold or disposed of, postage stamps, stamped envelopes, or postal cards at any point or place outside of the delivery of the office where such postmaster or other person is employed; or induce or attempt to induce, for the purpose of increasing the emoluments or compensation of such postmaster, or the emoluments or compensation of any other person employed in such post-office or any station thereof, or the allowances or facilities provided therefor, any person to purchase at such post-office or any station thereof, or from any employee of such post-office, postage stamps, stamped envelopes, or postal cards; or sell or dispose of postage stamps, stamped envelopes, or postal cards, otherwise than as provided by law or the regulations of the Post-Office Department, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1128.]

See R. S. sec. 3920, and the Act of June 17, 1878, ch. 259, sec. 1, 5 Fed. Stat. Annot. 868. This section is designed to punish certain acts the effect of which is to defraud the postal revenue or to misappropriate the postal funds, and by means of the acts forbidden

fraudulently to increase the compensation of postmasters and employees. The bulk of the new matter begins with the words "at any point or place outside of the delivery" and ends with "stamped envelopes, or postal cards."

SEC. 209. [*Failure to account for postage and to cancel stamps, etc., by officials.*] Whoever, being a postmaster or other person engaged in the postal service, shall collect and fail to account for the postage due upon any article of mail matter which he may deliver, without having previously affixed and canceled the special stamp provided by law, or shall fail to affix such stamp, shall be fined not more than fifty dollars. [35 Stat. L. 1128.]

See the Act of March 3, 1879, ch. 180, sec. 27, 5 Fed. Stat. Annot. 853. Aside from a slight change in the language, the only change

in this section consists in the placing of the maximum fine at fifty dollars instead of a fixed fine in that sum.

SEC. 210. [*Issuing money order without payment.*] Whoever, being a postmaster or other person employed in any branch of the postal service, shall issue a money order without having previously received the money therefor, shall be fined not more than five hundred dollars. [35 Stat. L. 1129.]

See R. S. sec. 4030, 5 Fed. Stat. Annot. 942. This section is broadened so as to punish any person in the postal service who

issues a money order without having received the money therefor.

SEC. 211. [*Obscene, etc., matter nonmailable.*] Every obscene, lewd, or lascivious, and every filthy, book, pamphlet, picture, paper, letter, writing, print, or other publication of an indecent character, and every article or thing designed, adapted, or intended for preventing conception or producing abortion, or for any indecent or immoral use; and every article, instrument, substance, drug, medicine, or thing which is advertised or described in a manner calculated to lead another to use or apply it for preventing conception or producing abortion, or for any indecent or immoral purpose; and every written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information directly or indirectly, where, or how, or from whom, or by what means any of the hereinbefore-mentioned matters, articles, or things may be obtained or made, or where or by whom any act or operation of any kind for the procuring or producing of abortion will be done or performed, or how or by what means conception may be prevented or abortion produced, whether

sealed or unsealed; and every letter, packet, or package, or other mail matter containing any filthy, vile, or indecent thing, device, or substance; and every paper, writing, advertisement, or representation that any article, instrument, substance, drug, medicine, or thing may, or can be, used or applied for preventing conception or producing abortion, or for any indecent or immoral purpose; and every description calculated to induce or incite a person to so use or apply any such article, instrument, substance, drug, medicine, or thing, is hereby declared to be nonmailable matter and shall not be conveyed in the mails or delivered from any post-office or by any letter carrier. Whoever shall knowingly deposit, or cause to be deposited for mailing or delivery, anything declared by this section to be nonmailable, or shall knowingly take, or cause the same to be taken, from the mails for the purpose of circulating or disposing thereof, or of aiding in the circulation or disposition thereof, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1129.]

See R. S. sec. 3893, 5 Fed. Stat. Annot. 839. Aside from a transposition of language, the other changes made in this section are

designed to perfect the law so that its provisions cannot be evaded.

SEC. 212. [*Libelous and indecent wrappers and envelopes.*] All matter otherwise mailable by law, upon the envelope or outside cover or wrapper of which, or any postal card upon which, any delineations, epithets, terms, or language of an indecent, lewd, lascivious, obscene, libelous, scurrilous, defamatory, or threatening character, or calculated by the terms or manner or style of display and obviously intended to reflect injuriously upon the character or conduct of another, may be written or printed or otherwise impressed or apparent, are hereby declared nonmailable matter, and shall not be conveyed in the mails nor delivered from any post-office nor by any letter carrier, and shall be withdrawn from the mails under such regulations as the Postmaster-General shall prescribe. Whoever shall knowingly deposit or cause to be deposited, for mailing or delivery, anything declared by this section to be nonmailable matter, or shall knowingly take the same or cause the same to be taken from the mails for the purpose of circulating or disposing of or aiding in the circulation or disposition of the same, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1129.]

See the Act of Sept. 26, 1888, ch. 1039, sec. 1, 5 Fed. Stat. Annot. 849.

SEC. 213. [*Lottery, gift enterprise, etc., circulars, etc., not mailable.*] No letter, package, postal card, or circular concerning any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no lottery ticket or part thereof, or paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance; and no check, draft, bill, money, postal note, or money order, for the purchase of any ticket or part thereof, or of any share or chance in any such lottery, gift enterprise, or scheme; and no newspaper, circular, pamphlet, or publication of any kind containing any advertisement of any lottery, gift enterprise, or scheme of any kind offering prizes dependent in whole or in part upon lot or chance, or containing any list of the prizes drawn or awarded by means of any such lottery, gift enterprise, or scheme, whether said list contains any part or all of such prizes, shall be deposited in or carried by the mails of the United States, or be delivered by any postmaster or letter carrier. Whoever shall knowingly

deposit or cause to be deposited, or shall knowingly send or cause to be sent, anything to be conveyed or delivered by mail in violation of the provisions of this section, or shall knowingly deliver or cause to be delivered by mail anything herein forbidden to be carried by mail, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than five years. Any person violating any provision of this section may be tried and punished either in the district in which the unlawful matter or publication was mailed, or to which it was carried by mail for delivery according to the direction thereon, or in which it was caused to be delivered by mail to the person to whom it was addressed. [35 Stat. L. 1129.]

See R. S. sec. 3894, 5 Fed. Stat. Annot. 846, and the Act of March 2, 1895, ch. 191, sec. 1, 4 Fed. Stat. Annot. 869. In combining these sections relating to the same subject-matter

the language has been transposed and changed so as to bring within the operation of the section all schemes savoring of a lottery.

SEC. 214. [*Postmasters not to be lottery agents.*] Whoever, being a postmaster or other person employed in the postal service, shall act as agent for any lottery office, or under color of purchase or otherwise, vend lottery tickets, or shall knowingly send by mail or deliver any letter, package, postal card, circular, or pamphlet advertising any lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any ticket, certificate, or instrument representing any chance, share, or interest in or dependent upon the event of any lottery, gift enterprise, or similar scheme offering prizes dependent in whole or in part upon lot or chance, or any list of the prizes awarded by means of any such scheme, shall be fined not more than one hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1130.]

See R. S. sec. 3851, 5 Fed. Stat. Annot. 801. This section is amended so as to punish not only postmasters, but all persons in the

postal service, for vending or sending lottery tickets by mail.

SEC. 215. [*Use of mails to promote frauds.*] Whoever, having devised or intending to devise any scheme or artifice to defraud, or for obtaining money or property by means of false or fraudulent pretenses, representations, or promises, or to sell, dispose of, loan, exchange, alter, give away, distribute, supply, or furnish or procure for unlawful use any counterfeit or spurious coin, bank note, paper money, or any obligation or security of the United States, or of any State, Territory, municipality, company, corporation, or person, or anything represented to be or intimated or held out to be such counterfeit or spurious article, or any scheme or artifice to obtain money by or through correspondence, by what is commonly called the "saw-dust swindle," or "counterfeit-money fraud," or by dealing or pretending to deal in what is commonly called "green articles," "green coin," "green goods," "bills," "paper goods," "spurious Treasury notes," "United States goods," "green cigars," or any other names or terms intended to be understood as relating to such counterfeit or spurious articles, shall, for the purpose of executing such scheme or artifice or attempting so to do, place, or cause to be placed, any letter, postal card, package, writing, circular, pamphlet, or advertisement, whether addressed to any person residing within or outside the United States, in any post-office, or station thereof, or street or other letter box of the United States, or authorized depository for mail matter, to be sent or delivered by the post-office establishment of the United States, or shall take or receive any such therefrom, whether mailed within or without the United States, or shall knowingly cause

to be delivered by mail according to the direction thereon, or at the place at which it is directed to be delivered by the person to whom it is addressed, any such letter, postal card, package, writing, circular, pamphlet, or advertisement, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1130.]

See R. S. sec. 5480, 5 Fed. Stat. Annot. 973. In this section there is a transposition of language and an addition of new matter throughout the section.

SEC. 216. [*Fraudulently assuming fictitious address.*] Whoever, for the purpose of conducting, promoting, or carrying on, in any manner, by means of the post-office establishment of the United States, any scheme or device mentioned in the section last preceding, or any other unlawful business whatsoever, shall use or assume, or request to be addressed by, any fictitious, false, or assumed title, name, or address, or name other than his own proper name, or shall take or receive from any post-office of the United States, or station thereof, or any other authorized depository of mail matter, any letter, postal card, package, or other mail matter addressed to any such fictitious, false, or assumed title, name, or address, or name other than his own proper name, shall be punished as provided in the section last preceding. [35 Stat. L. 1131.]

See the Act of March 2, 1889, ch. 393, sec. 2, 5 Fed. Stat. Annot. 982. This section is broadened so as to apply to the taking of mail fictitiously addressed from any authorized depository for mail matter.

SEC. 217. [*Poisons and explosives nonmailable.*] All kinds of poison, and all articles and compositions containing poison, and all poisonous animals, insects, and reptiles, and explosives of all kinds, and inflammable materials, and infernal machines, and mechanical, chemical, or other devices or compositions which may ignite or explode, and all disease germs or scabs, and all other natural or artificial articles, compositions, or materials of whatever kind which may kill, or in any wise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, whether sealed as first-class matter or not, are hereby declared to be nonmailable matter, and shall not be conveyed in the mails or delivered from any post-office or station thereof, nor by any letter carrier; but the Postmaster-General may permit the transmission in the mails, under such rules and regulations as he shall prescribe as to preparation and packing, of any articles hereinbefore described which are not outwardly or of their own force dangerous or injurious to life, health, or property: *Provided*, That all spirituous, vinous, malted, fermented, or other intoxicating liquors of any kind, are hereby declared to be nonmailable and shall not be deposited in or carried through the mails. Whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place at which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, unless in accordance with the rules and regulations hereby authorized to be prescribed by the Postmaster-General, shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and whoever shall knowingly deposit or cause to be deposited for mailing or delivery, or shall knowingly cause to be delivered by mail according to the direction thereon, or at any place to which it is directed to be delivered by the person to whom it is addressed, anything declared by this section to be nonmailable, whether transmitted in accordance with the rules and regulations authorized to be prescribed by the Postmaster-General or not, with the design, intent, or purpose to kill, or in anywise hurt, harm, or injure another, or damage, deface, or otherwise injure the mails or other property, shall be

fined not more than five thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1131.]

See R. S. sec. 3878, 5 Fed. Stat. Annot. 827; Act of March 3, 1879, ch. 180, sec. 20, 5 Fed. Stat. Annot. 831; Act of June 8, 1896, ch. 370, sec. 1, 5 Fed. Stat. Annot. 834. This section puts in positive form the various articles which are now excluded from the mails under the regulations of the post-office department. The law as formerly construed authorized the Postmaster-General, in his discretion, to permit liquids to be sent through the mail when

properly secured. This has been made mandatory as to all such articles when properly secured, which are not in themselves dangerous or likely to injure the mails, so that the post-office department may not discriminate against any particular article.

Intoxicating liquors. — The proviso relating to intoxicating liquors was added after the committee on revision had presented the bill in Congress.

SEC. 218. [*Counterfeiting money orders.*] Whoever, with intent to defraud, shall falsely make, forge, counterfeit, engrave, or print, or cause or procure to be falsely made, forged, counterfeited, engraved, or printed, or shall willingly aid or assist in falsely making, forging, counterfeiting, engraving, or printing, any order in imitation of or purporting to be a money order issued by the Post-Office Department, or by any postmaster or agent thereof; or whoever shall forge or counterfeit the signature of any postmaster, assistant postmaster, chief clerk, or clerk, upon or to any money order, or postal note, or blank therefor provided or issued by or under the direction of the Post-Office Department of the United States, or of any foreign country, and payable in the United States, or any material signature or indorsement thereon, or any material signature to any receipt or certificate of identification thereon; or shall falsely alter, or cause or procure to be falsely altered in any material respect, or knowingly aid or assist in falsely so altering any such money order or postal notes; or shall, with intent to defraud, pass, utter, or publish any such forged or altered money order or postal note, knowing any material signature or indorsement thereon to be false, forged, or counterfeited, or any material alteration therein to have been falsely made; or shall issue any money order or postal note without having previously received or paid the full amount of money payable therefor, with the purpose of fraudulently obtaining or receiving, or fraudulently enabling any other person, either directly or indirectly, to obtain or receive from the United States, or any officer, employee, or agent thereof, any sum of money whatever; or shall, with intent to defraud the United States, or any person, transmit or present to, or cause or procure to be transmitted or presented to, any officer or employee, or at any office of the Government of the United States, any money order or postal note, knowing the same to contain any forged or counterfeited signature to the same, or to any material indorsement, receipt, or certificate thereon, or material alteration therein unlawfully made, or to have been unlawfully issued without previous payment of the amount required to be paid upon such issue, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1131.]

See R. S. sec. 5463, 5 Fed. Stat. Annot. 957, and the Act of June 18, 1888, ch. 394, sec. 2, 5 Fed. Stat. Annot. 849. In combining these sections of kindred character, it has been necessary to transpose the language and to

omit duplication. The section has also been enlarged properly to cover the subject and changed to permit of both fine and imprisonment.

SEC. 219. [*Counterfeiting postage stamps.*] Whoever shall forge or counterfeit any postage stamp, or any stamp printed upon any stamped envelope, or postal card, or any die, plate, or engraving therefor; or shall make or print, or knowingly use or sell, or have in possession with intent to use or sell, any such forged or counterfeited postage stamp, stamped envelope, postal card, die, plate, or engraving; or shall make, or knowingly use or sell, or have in posses-

sion with intent to use or sell, any paper bearing the watermark of any stamped envelope, or postal card, or any fraudulent imitation thereof; or shall make or print, or authorize or procure to be made or printed, any postage stamp, stamped envelope, or postal card, of the kind authorized and provided by the Post-Office Department, without the special authority and direction of said department; or shall, after such postage stamp, stamped envelope, or postal card has been printed, with intent to defraud, deliver the same to any person not authorized by an instrument in writing, duly executed under the hand of the Postmaster-General and the seal of the Post-Office Department, to receive it, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1132.]

See R. S. sec. 5464, 5 Fed. Stat. Annot. 959. The language omitted by reason of a change in the form of expression is not ma-

terial; none of the changes in any way affect the substance of the section.

SEC. 220. [*Counterfeiting, etc., foreign stamps.*] Whoever shall forge, or counterfeit, or knowingly utter or use any forged or counterfeited postage stamp of any foreign government, shall be fined not more than five hundred dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1132.]

See R. S. sec. 5465, 5 Fed. Stat. Annot. 959. This section is amended by providing a fine as part of the punishment and by reducing the

maximum penalty from ten to five years, and by providing that both fine and imprisonment may be imposed.

SEC. 221. [*Inclosing higher class in lower class matter.*] Matter of the second, third, or fourth class containing any writing or printing in addition to the original matter, other than as authorized by law, shall not be admitted to the mails, nor delivered, except upon payment of postage for matter of the first class, deducting therefrom any amount which may have been prepaid by stamps affixed, unless by direction of the Postmaster-General such postage shall be remitted. Whoever shall knowingly conceal or inclose any matter of a higher class in that of a lower class, and deposit or cause the same to be deposited for conveyance by mail, at a less rate than would be charged for such higher class matter, shall be fined not more than one hundred dollars. [35 Stat. L. 1132.]

See R. S. sec. 3887, 5 Fed. Stat. Annot. 837, and the Act of Jan. 20, 1888, ch. 2, sec. 2, 5 Fed. Stat. Annot. 836. The two sections here revised largely cover the same ground, and the later section may be said to supersede the former one. Matter not necessary to perfect

the criminal portions of the section has been omitted, and the language modified so as to require payment of postage at first-class rates when any unauthorized writing or printing is written upon or indorsed within matter of the lower classes.

SEC. 222. [*Postmaster illegally approving bond, etc.*] Whoever, being a postmaster, shall affix his signature to the approval of any bond of a bidder, or to the certificate of sufficiency of sureties in any contract, before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster; and shall also be fined not more than five thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1133.]

See R. S. sec. 3947, and the Act of June 23, 1874, ch. 456, sec. 12 (sec. 247), 5 Fed. Stat. Annot. 882.

SEC. 223. [*False evidence as to second-class matter.*] Whoever shall knowingly submit or cause to be submitted to any postmaster or to the Post-Office

Department or any officer of the postal service, any false evidence relative to any publication for the purpose of securing the admission thereof at the second-class rate, for transportation in the mails, shall be fined not more than five hundred dollars. [35 Stat. L. 1133.]

See the Act of June 18, 1888, ch. 394, sec. 1, 5 Fed. Stat. Annot. 829; March 2, 1905, ch. 1304, sec. 1, 10 Fed. Stat. Annot. 334.

SEC. 224. [*Inducing or prosecuting false claims.*] Whoever shall make, allege, or present, or cause to be made, alleged, or presented, or assist, aid, or abet in making, alleging, or presenting, any claim or application for indemnity for the loss of any registered letter, parcel, package, or other article or matter, or the contents thereof, knowing such claim or application to be false, fictitious, or fraudulent; or whoever for the purpose of obtaining or aiding to obtain the payment or approval of any such claim or application, shall make or use, or cause to be made or used, any false statement, certificate, affidavit, or deposition; or whoever shall knowingly and willfully misrepresent, or misstate, or, for the purpose aforesaid shall knowingly and willfully conceal any material fact or circumstance in respect of any such claim or application for indemnity, shall be fined not more than five hundred dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1133.]

This section is new, and is designed to punish the making of false claims for the loss of any registered matter.

SEC. 225. [*Misappropriation of postal funds or property.*] Whoever, being a postmaster or other person employed in or connected with any branch of the postal service, shall loan, use, pledge, hypothecate, or convert to his own use, or shall deposit in any bank, or exchange for other funds or property, except as authorized by law, any money or property coming into his hands or under his control in any manner whatever, in the execution or under color of his office, employment, or service, whether the same shall be the money or property of the United States or not; or shall fail or refuse to remit to or deposit in the Treasury of the United States or in a designated depository, or to account for or turn over to the proper officer or agent, any such money or property, when required so to do by law or the regulations of the Post-Office Department, or upon demand or order of the Postmaster-General, either directly or through a duly authorized officer or agent, shall be deemed guilty of embezzlement; and every such person, as well as every other person advising or knowingly participating therein, shall be fined in a sum equal to the amount or value of the money or property embezzled, or imprisoned not more than ten years, or both. Any failure to produce or to pay over any such money or property, when required so to do as above provided, shall be taken to be prima facie evidence of such embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the account books of the Auditor for the Post-Office Department. But nothing herein shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United States disbursing officers, or otherwise, when instructed or required so to do by the Postmaster-General, for the purpose of remitting surplus funds from one post-office to another. [35 Stat. L. 1133.]

See R. S. sec. 4046, 5 Fed. Stat. Annot. 949; R. S. sec. 4053, 5 Fed. Stat. Annot. 953. R. S. sec. 4046 punished any person in the postal service for misappropriating any money or property coming into his hands by reason of his office or employment. R. S. sec. 4053 punished the failure to deposit moneys taken from

dead letters or received from any other source and which were part of the postal revenues. Those two sections have been combined and so amended as to reach all such cases which may arise in connection with the operations of the postal service.

SEC. 226. [*Employees not to be interested in contracts.*] Whoever, being a person employed in the postal service, shall become interested in any contract for carrying the mail, or act as agent, with or without compensation, for any contractor or person offering to become a contractor in any business before the Department, shall be immediately dismissed from office, and shall be fined not more than five thousand dollars, or imprisoned not more than one year, or both. [35 Stat. L. 1134.]

See R. S. sec. 412, 6 Fed. Stat. Annot. 12. The penalty for a violation of R. S. sec. 412 was an action for debt for a sum equal to the amount of money which would be realized upon any such contract. This has been changed to fine or imprisonment, or both.

SEC. 227. [*Fraudulent use of official envelopes.*] Whoever shall make use of any official envelope, label, or indorsement authorized by law, to avoid the payment of postage or registry fee on his private letter, packet, package, or other matter in the mail, shall be fined not more than three hundred dollars. [35 Stat. L. 1134.]

See the Acts of March 3, 1877, ch. 103, sec. 5, 5 Fed. Stat. Annot. 859; March 3, 1879, ch. 180, sec. 29, 5 Fed. Stat. Annot. 861, 862; July 5, 1884, ch. 234, sec. 3, 5 Fed. Stat. Annot. 861; July 2, 1886, ch. 611, sec. 1, 5 Fed. Stat. Annot. 863. The several provisions

revised in this section provided for a fine of three hundred dollars for their violation; this has been changed so that the maximum fine shall not exceed that sum, and the section has been further enlarged so as to punish the unlawful use of any official label or indorsement.

SEC. 228. [*Fraudulent increase of weight of mail.*] Whoever shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mail, with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail may pass, shall be fined not more than twenty thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1134.]

See the Act of June 13, 1898, ch. 446, sec. 1, 5 Fed. Stat. Annot. 921. The Act revised in this section imposed both fine and imprison-

ment for a violation of its provisions; this has been changed to fine or imprisonment, or both.

SEC. 229. [*Offenses against foreign mail in transit.*] Every foreign mail shall, while being transported across the territory of the United States under authority of law, be taken and deemed to be a mail of the United States so far as to make any violation thereof, or depredation thereon, or offense in respect thereto, or any part thereof, an offense of the same grade, and punishable in the same manner and to the same extent as though the mail was a mail of the United States; and in any indictment or information for any such offense, the mail, or any part thereof, may be alleged to be, and on the trial of any such indictment or information it shall be deemed and held to be, a mail or part of a mail of the United States. [35 Stat. L. 1134.]

See R. S. sec. 4013, 5 Fed. Stat. Annot. 932. The only change in this section consists in the addition of the words "or information."

SEC. 230. [*Omission to take oath.*] Every person employed in the postal service shall be subject to all penalties and forfeitures for the violation of the

laws relating to such service, whether he has taken the oath of office or not. [35 Stat. L. 1134.]

See R. S. sec. 3832, 5 Fed. Stat. Annot. 794.

SEC. 231. [Definitions.] The words "postal service," wherever used in this chapter, shall be held and deemed to include the "Post-Office Department." [35 Stat. L. 1134.]

This section is new. Under the practice of the post-office department the department proper and the postal service are considered

two separate branches. This section is intended to avoid the use of the words "post-office department" a great many times.

CHAPTER NINE.

OFFENSES AGAINST FOREIGN AND INTERSTATE COMMERCE.

- Sec.
232. Dynamite, etc., not to be carried on vessels or vehicles carrying passengers for hire.
233. Interstate Commerce Commission to make regulations for transportation of explosives.
234. Liquid nitroglycerine, etc., not to be carried on certain vessels and vehicles.
235. Marking of packages of explosives; deceptive marking.
236. Death or bodily injury caused by such transportation.
237. Importation and transportation of lottery tickets, etc., forbidden.
238. Interstate shipment of intoxicating liquors; delivery of to be made only to bona fide consignees.

- Sec.
239. Common carrier, etc., not to collect purchase price of interstate shipment of intoxicating liquors.
240. Packages containing intoxicating liquors shipped in interstate commerce to be marked as such.
241. Importation of certain wild animals and birds forbidden.
242. Transportation of prohibited animals.
243. Marking of packages.
244. Penalty for violation of three preceding sections.
245. Importation and transportation of obscene, etc., books, etc.

SEC. 232. [Dynamite, etc., not to be carried on vessels or vehicles carrying passengers for hire.] It shall be unlawful to transport, carry, or convey, any dynamite, gunpowder, or other explosive, between a place in a foreign country and a place within or subject to the jurisdiction of the United States, or between a place in any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, and a place in any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, on any vessel or vehicle of any description operated by a common carrier, which vessel or vehicle is carrying passengers for hire: *Provided*, That it shall be lawful to transport on any such vessel or vehicle small arms ammunition in any quantity, and such fuses, torpedoes, rockets, or other signal devices, as may be essential to promote safety in operation, and properly packed and marked samples of explosives for laboratory examination, not exceeding a net weight of one-half pound each, and not exceeding twenty samples at one time in a single vessel or vehicle; but such samples shall not be carried in that part of a vessel or vehicle which is intended for the transportation of passengers for hire: *Provided further*, That nothing in this section shall be construed to prevent the transportation of military or naval forces with their accompanying munitions of war on passenger equipment vessels or vehicles. [35 Stat. L. 1134.]

See R. S. sec. 5353, 1 Fed. Stat. Annot. 720. This and secs. 233, 234, 235, following, are from the Act of May 30, 1908, ch. 234, 35 Stat. L. 554, 555, which Act is repealed as

shown by the schedule in sec. 341, *infra*. These sections were not in the bill reported to Congress by the committee on revision.

SEC. 233. [*Interstate Commerce Commission to make regulations for transportation of explosives.*] The Interstate Commerce Commission shall formulate regulations for the safe transportation of explosives, which shall be binding upon all common carriers engaged in interstate or foreign commerce which transport explosives by land. Said commission, of its own motion, or upon application made by any interested party, may make changes or modifications in such regulations, made desirable by new information or altered conditions. Such regulations shall be in accord with the best known practicable means for securing safety in transit, covering the packing, marking, loading, handling while in transit, and the precautions necessary to determine whether the material when offered is in proper condition to transport. Such regulations, as well as all changes or modifications thereof, shall take effect ninety days after their formulation and publication by said commission and shall be in effect until reversed, set aside, or modified. [35 Stat. L. 1135.]

See note to sec. 232, *supra*.

SEC. 234. [*Liquid nitroglycerine, etc., not to be carried on certain vessels and vehicles.*] It shall be unlawful to transport, carry, or convey, liquid nitroglycerin, fulminate in bulk in dry condition, or other like explosive, between a place in a foreign country and a place within or subject to the jurisdiction of the United States, or between a place in one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, and a place in any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, on any vessel or vehicle of any description operated by a common carrier in the transportation of passengers or articles of commerce by land or water. [35 Stat. L. 1135.]

See note to sec. 232, *supra*.

SEC. 235. [*Marking of packages of explosives; receptive marks.*] Every package containing explosives or other dangerous articles when presented to a common carrier for shipment shall have plainly marked on the outside thereof the contents thereof; and it shall be unlawful for any person to deliver, or cause to be delivered, to any common carrier engaged in interstate or foreign commerce by land or water, for interstate or foreign transportation, or to carry upon any vessel or vehicle engaged in interstate or foreign transportation, any explosive, or other dangerous article, under any false or deceptive marking, description, invoice, shipping order, or other declaration, or without informing the agent of such carrier of the true character thereof, at or before the time such delivery or carriage is made. Whoever shall knowingly violate, or cause to be violated, any provision of this section, or of the three sections last preceding, or any regulation made by the Interstate Commerce Commission in pursuance thereof, shall be fined not more than two thousand dollars, or imprisoned not more than eighteen months, or both. [35 Stat. L. 1135.]

See R. S. sec. 5355, 1 Fed. Stat. Annot. 720; and see note to sec. 232, *supra*.

SEC. 236. [*Death or bodily injury caused by such transportation.*] When the death or bodily injury of any person is caused by the explosion of any article named in the four sections last preceding, while the same is being placed upon any vessel or vehicle to be transported in violation thereof, or while the same is being so transported, or while the same is being removed from such vessel or vehicle, the person knowingly placing, or aiding or permitting the plac-

ing, of such articles upon any such vessel or vehicle, to be so transported, shall be imprisoned not more than ten years. [35 Stat. L. 1136.]

See R. S. sec. 5354, 1 Fed. Stat. Annot. 720. This section has been broadened so that imprisonment shall be imposed as punishment when a person is "injured" by reason of the

shipment of such explosives without being packed and labeled as required by law. The maximum punishment has been fixed at ten years' imprisonment.

SEC. 237. [*Importation and transportation of lottery tickets, etc., forbidden.*] Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof, from any foreign country, for the purpose of disposing of the same, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon the event of a lottery, gift enterprise, or similar scheme, offering prizes dependent in whole or in part upon lot or chance, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme; or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier for carriage, or shall carry, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any paper, certificate, or instrument purporting to be or to represent a ticket, chance, share, or interest in or dependent upon, the event of any such lottery, gift enterprise, or similar scheme, or any advertisement of, or list of the prizes drawn or awarded by means of, any such lottery, gift enterprise, or similar scheme, or shall knowingly take or receive, or cause to be taken or received, any such paper, certificate, instrument, advertisement, or list so brought, deposited, or transported, shall, for the first offense, be fined not more than one thousand dollars, or imprisoned not more than two years, or both; and for any subsequent offense shall be imprisoned not more than two years. [35 Stat. L. 1136.]

See the Act of March 2, 1895, ch. 191, sec. 1, 4 Fed. Stat. Annot. 869. This section has been amended so as to conform to the changes

made in sec. 213 of this Act, relating to the sending of lottery tickets, etc., through the mails.

SEC. 238. [*Interstate shipment of intoxicating liquors; delivery of to be made only to bona fide consignee.*] Any officer, agent, or employee of any railroad company, express company, or other common carrier, who shall knowingly deliver or cause to be delivered to any person other than the person to whom it has been consigned, unless upon the written order in each instance of the bona fide consignee, or to any fictitious person, or to any person under a fictitious name, any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind which has been shipped from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall be fined not more than five thousand dollars, or imprisoned not more than two years, or both. [35 Stat. L. 1136.]

This and sections 239 and 240 are new. They were not in the bill reported to Congress by the Revision Committee.

SEC. 239. [*Common carriers, etc., not to collect purchase price of interstate shipment of intoxicating liquors.*] Any railroad company, express company, or other common carrier, or any other person who, in connection with the transportation of any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, shall collect the purchase price or any part thereof, before, on, or after delivery, from the consignee, or from any other person, or shall in any manner act as the agent of the buyer or seller of any such liquor, for the purpose of buying or selling or completing the sale thereof, saving only in the actual transportation and delivery of the same, shall be fined not more than five thousand dollars. [35 Stat. L. 1136.]

See note to sec. 238, *supra*.

SEC. 240. [*Packages containing intoxicating liquors shipped in interstate commerce to be marked as such.*] Whoever shall knowingly ship or cause to be shipped, from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, into any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any foreign country into any State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, any package of or package containing any spirituous, vinous, malted, fermented, or other intoxicating liquor of any kind, unless such package be so labeled on the outside cover as to plainly show the name of the consignee, the nature of its contents, and the quantity contained therein, shall be fined not more than five thousand dollars; and such liquor shall be forfeited to the United States, and may be seized and condemned by like proceedings as those provided by law for the seizure and forfeiture of property imported into the United States contrary to law. [35 Stat. L. 1137.]

See note to sec. 238, *supra*.

SEC. 241. [*Importation of certain wild animals and birds forbidden.*] The importation into the United States, or any Territory or District thereof, of the mongoose, the so-called "flying foxes" or fruit bats, the English sparrow, the starling, and such other birds and animals as the Secretary of Agriculture may from time to time declare to be injurious to the interests of agriculture or horticulture, is hereby prohibited; and all such birds and animals shall, upon arrival at any port of the United States, be destroyed or returned at the expense of the owner. No person shall import into the United States or into any Territory or District thereof, any foreign wild animal or bird, except under special permit from the Secretary of Agriculture: *Provided*, That nothing in this section shall restrict the importation of natural history specimens for museums or scientific collections, or of certain cage birds, such as domesticated canaries, parrots, or such other birds as the Secretary of Agriculture may designate. The Secretary of the Treasury is hereby authorized to make regulations for carrying into effect the provisions of this section. [35 Stat. L. 1137.]

See the Act of May 25, 1900, ch. 553, sec. 2, 3 Fed. Stat. Annot. 151. Aside from a general transposition of language, the only change in

this section is that making its provisions apply within any territory or district of the United States.

SEC. 242. [*Transportation of prohibited animals.*] It shall be unlawful for any person to deliver to any common carrier for transportation, or for any common carrier to transport from any State, Territory, or District of the United States, to any other State, Territory, or District thereof, any foreign animals or birds, the importation of which is prohibited, or the dead bodies or parts thereof of any wild animals or birds, where such animals or birds have been killed or shipped in violation of the laws of the State, Territory, or District in which the same were killed, or from which they were shipped: *Provided*, That nothing herein shall prevent the transportation of any dead birds or animals killed during the season when the same may be lawfully captured, and the export of which is not prohibited by law in the State, Territory, or District in which the same are captured or killed: *Provided further*, That nothing herein shall prevent the importation, transportation, or sale of birds or bird plumage manufactured from the feathers of barnyard fowls. [35 Stat. L. 1137.]

See the Act of May 25, 1900, ch. 553, sec. 3, 3 Fed. Stat. Annot. 152. Aside from a general transposition of language, the only change

in this section is that making its provisions apply within any territory or district of the United States.

SEC. 243. [*Marking of packages.*] All packages containing the dead bodies, or the plumage, or parts thereof, of game animals, or game or other wild birds, when shipped in interstate or foreign commerce, shall be plainly and clearly marked, so that the name and address of the shipper, and the nature of the contents, may be readily ascertained on an inspection of the outside of such package. [35 Stat. L. 1137.]

See the Act of May 25, 1900, ch. 553, sec. 4, 3 Fed. Stat. Annot. 152.

SEC. 244. [*Penalty for violation of three preceding sections.*] For each evasion or violation of any provision of the three sections last preceding, the shipper shall be fined not more than two hundred dollars; the consignee knowingly receiving such articles so shipped and transported in violation of said sections shall be fined not more than two hundred dollars; and the carrier knowingly carrying or transporting the same in violation of said sections shall be fined not more than two hundred dollars. [35 Stat. L. 1138.]

See the Act of May 25, 1900, ch. 553, sec. 4, 3 Fed. Stat. Annot. 152. The only changes in this section are those made necessary by carrying it into the revision.

SEC. 245. [*Importation and transportation of obscene, etc., books, etc.*] Whoever shall bring or cause to be brought into the United States or any place subject to the jurisdiction thereof, from any foreign country, or shall therein knowingly deposit or cause to be deposited with any express company or other common carrier, for carriage from one State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, to any other State, Territory, or District of the United States, or place noncontiguous to but subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States through a foreign country to any place in or subject to the jurisdiction thereof, or from any place in or subject to the jurisdiction of the United States to a foreign country, any obscene, lewd, or lascivious, or any filthy, book, pamphlet, picture, paper, letter, writing, print, or other matter of indecent character, or any drug, medicine, article, or thing designed, adapted, or intended for preventing conception, or producing abortion, or for any indecent or immoral use, or any written or printed card, letter, circular, book, pamphlet, advertisement, or notice of any kind giving information, directly or indirectly, where, how, or of whom, or by what

means any of the hereinbefore-mentioned articles, matters, or things may be obtained or made; or whoever shall knowingly take or cause to be taken from such express company or other common carrier any matter or thing the depositing of which for carriage is herein made unlawful, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1138.]

See the Acts of Feb. 8, 1897, ch. 172, sec. 1, 5 Fed. Stat. Annot. 381; Feb. 8, 1905, ch. 550, sec. 1, 10 Fed. Stat. Annot. 247. This section has been amended so as to conform to the

changes made in sec. 211, which prohibits the sending of obscene matter, etc., through the mails. Aside from a transposition of language, the changes are very slight.

CHAPTER TEN.

THE SLAVE TRADE AND PEONAGE.

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|---|---|
| Sec.
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260. Seizure of vessels engaged in the slave trade. |
| 247. Bringing slaves on foreign shores. | 261. Proceeds of condemned vessels, how distributed. |
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| 256. Forfeiture of vessel transporting slaves. | 270. Obstructing enforcement of preceding section. |
| 257. Receiving persons on board to be sold as slaves. | 271. Bringing kidnaped persons into United States. |
| 258. Vessels found hovering on coast. | |
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SEC. 246. [*Confining or detaining slaves on board vessel.*] Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned wholly or in part, or navigated for or in behalf of any citizen of the United States, forcibly confines or detains on board such vessel any person as a slave, or, on board such vessel, offers or attempts to sell as a slave any such person, or on the high seas, or anywhere on tide water, transfers or delivers to any other vessel any such person with intent to make such person a slave, or lands or delivers on shore from on board such vessel any person with intent to make sale of, or having previously sold such person as a slave, is a pirate, and shall be imprisoned for life. [35 Stat. L. 1138.]

See R. S. sec. 5375, 5 Fed. Stat. Annot. 758, 7 Fed. Stat. Annot. 98, and the Act of Jan. 16, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot.

357. In this section the change consists in the substitution of the word "person" for the words "negro or mulatto."

SEC. 247. [*Seizing slaves on foreign shores.*] Whoever, being of the crew or ship's company of any foreign vessel engaged in the slave trade, or being of the crew or ship's company of any vessel owned in whole or in part, or navigated for, or in behalf of, any citizen of the United States, lands from such vessel, and, on any foreign shore, seizes any person with intent to make such person a slave, or decoys, or forcibly brings, or carries or receives such person on board

such vessel, with like intent, is a pirate, and shall be imprisoned for life. [35 Stat. L. 1139.]

See R. S. sec. 5376, 5 Fed. Stat. Annot. 758, 7 Fed. Stat. Annot. 99, and the Act of Jan. 15, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot.

357. The change in this section consists in the substitution of the word "person" for the words "negro or mulatto."

SEC. 248. [*Bringing slaves into the United States.*] Whoever brings within the jurisdiction of the United States, in any manner whatsoever, any person from any foreign kingdom or country, or from sea, or holds, sells, or otherwise disposes of, any person so brought in, as a slave, or to be held to service or labor, shall be fined not more than ten thousand dollars, one half to the use of the United States and the other half to the use of the party who prosecutes the indictment to effect; and, moreover, shall be imprisoned not more than seven years. [35 Stat. L. 1139.]

See R. S. sec. 5377, 7 Fed. Stat. Annot. 99. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 249. [*Equipping vessels for slave trade.*] Whoever builds, fits out, equips, loads, or otherwise prepares, or sends away, either as master, factor, or owner, any vessel, in any port or place within the jurisdiction of the United States, or causes such vessel to sail from any port or place whatsoever, within such jurisdiction, for the purpose of procuring any person from any foreign kingdom or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of as a slave, or held to service or labor, shall be fined not more than five thousand dollars, one half to the use of the United States and the other half to the use of the person prosecuting the indictment to effect; and shall, moreover, be imprisoned not more than seven years. [35 Stat. L. 1139.]

See R. S. sec. 5378, 7 Fed. Stat. Annot. 99. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 250. [*Transporting persons to be held as slaves.*] Whoever, within the jurisdiction of the United States, takes on board, receives, or transports from any foreign kingdom or country, or from sea, any person in any vessel, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or to be held to service or labor, shall be punished as prescribed in the section last preceding. [35 Stat. L. 1139.]

See R. S. sec. 5379, 7 Fed. Stat. Annot. 101. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 251. [*Hovering on coast with slaves on board.*] Whoever, being the captain, master, or commander of any vessel found in any river, port, bay, harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coast thereof, having on board any person, for the purpose of selling such person as a slave, or with intent to land such person for any such purpose, shall be fined not more than ten thousand dollars and imprisoned not more than four years. [35 Stat. L. 1139.]

See R. S. sec. 5380, 7 Fed. Stat. Annot. 102. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 252. [*Serving in vessels engaged in the slave trade.*] Whoever, being a citizen of the United States, or other person residing therein, voluntarily serves on board of any vessel employed or made use of in the transportation of

slaves from any foreign country or place to another, shall be fined not more than two thousand dollars and imprisoned not more than two years. [35 Stat. L. 1139.]

See R. S. sec. 5381, 7 Fed. Stat. Annot. 102.

SEC. 253. [*Receiving or carrying away any person to be sold or held as a slave.*] Whoever, being the master or owner or person having charge of any vessel, receives on board any other person, with the knowledge or intent that such person is to be carried from any place subject to the jurisdiction of the United States to any other place, to be held or sold as a slave, or carries away from any place subject to the jurisdiction of the United States any such person, with the intent that he may be so held or sold as a slave, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1139.]

See R. S. sec. 5524, 4 Fed. Stat. Annot. 774, 7 Fed. Stat. Annot. 101.

SEC. 254. [*Equipping, etc., vessel for slave trade.*] No person shall, for himself or for another, as master, factor, or owner, build, fit, equip, load, or otherwise prepare any vessel in any port or place within the jurisdiction of the United States, or cause any vessel to sail from any port or place within the jurisdiction of the United States for the purpose of procuring any person from any foreign kingdom, place, or country to be transported to any port or place whatsoever, to be held, sold, or otherwise disposed of, as a slave, or to be held to service or labor; and every vessel so built, fitted out, equipped, laden, or otherwise prepared, with her tackle, apparel, furniture, and lading, shall be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for the forfeiture and prosecutes the same to effect. [35 Stat. L. 1140.]

See R. S. sec. 5551, 7 Fed. Stat. Annot. 100. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 255. [*Penalty on persons building, equipping, etc.*] Whoever so builds, fits out, equips, loads, or otherwise prepares or sends away any vessel, knowing or intending that the same shall be employed in such trade or business, contrary to the provisions of the section last preceding, or in any way aids or abets therein, shall, besides the forfeiture of the vessel, pay the sum of two thousand dollars; one moiety thereof to the use of the United States and the other moiety thereof to the use of the person who sues for and prosecutes the same to effect. [35 Stat. L. 1140.]

See R. S. sec. 5552, 7 Fed. Stat. Annot. 100.

SEC. 256. [*Forfeiture of vessel transporting slaves.*] Every vessel employed in carrying on the slave trade or on which is received or transported any person from any foreign kingdom or country, or from sea, for the purpose of holding, selling, or otherwise disposing of such person as a slave, or of holding such person to service or labor, shall, together with her tackle, apparel, furniture, and the goods and effects which may be found on board, or which may have been imported thereon in the same voyage, be forfeited; one moiety to the use of the United States and the other to the use of the person who sues for and prosecutes the forfeiture to effect. [35 Stat. L. 1140.]

See R. S. sec. 5553, 7 Fed. Stat. Annot. 101. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 257. [*Receiving persons on board to be sold as slaves.*] Whoever, being a citizen of the United States, takes on board, receives, or transports any person for the purpose of selling such person as a slave shall, in addition to the forfeiture of the vessel, pay for each person so received on board or transported the sum of two hundred dollars, to be recovered in any court of the United States; the one moiety thereof to the use of the United States and the other moiety to the use of the person who sues for and prosecutes the same to effect. [35 Stat. L. 1140.]

See R. S. sec. 5554, 7 Fed. Stat. Annot. 102. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 258. [*Vessels found hovering on coast.*] Every vessel which is found in any river, port, bay, or harbor, or on the high seas, within the jurisdiction of the United States, or hovering on the coasts thereof, and having on board any person, with intent to sell such person as a slave, or with intent to land the same for that purpose, either in the United States or elsewhere, shall, together with her tackle, apparel, furniture, and the goods or effects on board of her, be forfeited to the United States. [35 Stat. L. 1140.]

See R. S. sec. 5555, 7 Fed. Stat. Annot. 102. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 259. [*Forfeiture of interest in vessels transporting slaves.*] It shall be unlawful for any citizen of the United States, or other person residing therein, or under the jurisdiction thereof, directly or indirectly to hold or have any right or property in any vessel employed or made use of in the transportation or carrying of slaves from one foreign country or place to another, and any such right or property shall be forfeited, and may be libeled and condemned for the use of the person suing for the same. Whoever shall violate the prohibition of this section shall also forfeit and pay a sum of money equal to double the value of his right or property in such vessel; and shall also forfeit a sum of money equal to double the value of the interest he had in the slaves which at any time may be transported or carried in such vessels. [35 Stat. L. 1140.]

See R. S. sec. 5556, 7 Fed. Stat. Annot. 102.

SEC. 260. [*Seizure of vessels engaged in the slave trade.*] The President is authorized, when he deems it expedient, to man and employ any of the armed vessels of the United States to cruise wherever he may judge attempts are making to carry on the slave trade, by citizens or residents of the United States, in contravention of laws prohibitory of the same; and, in such case, he shall instruct the commanders of such armed vessels to seize, take, and bring into any port of the United States, to be proceeded against according to law, all American vessels, wheresoever found, which may have on board, or which may be intended for the purpose of taking on board, or of transporting, or may have transported any person, in violation of the provisions of any Act of Congress prohibiting the traffic in slaves. [35 Stat. L. 1140.]

See R. S. sec. 5557, 7 Fed. Stat. Annot. 103. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 261. [*Proceeds of condemned vessels, how distributed.*] The proceeds of all vessels, their tackle, apparel, and furniture, and the goods and effects on board of them, which are so seized, prosecuted, and condemned, shall be paid into the Treasury of the United States. [35 Stat. L. 1141.]

See R. S. sec. 5558, 7 Fed. Stat. Annot. 104. Prize money having been abolished by Act of Congress, the change made in this section is

that which provides that the proceeds of captured vessels shall be paid into the treasury of the United States.

SEC. 262. [*Disposal of persons found on board seized vessel.*] The officers of the vessel making such seizure shall safely keep every person found on board of any vessel so seized, taken, or brought into port for condemnation, and shall deliver every such person to the marshal of the district into which he may be brought, if into a port of the United States, or if elsewhere, to such person as may be lawfully appointed by the President, in the manner directed by law, transmitting to the President, as soon as may be after such delivery, a descriptive list of such persons, in order that he may give directions for the disposal of them. [35 Stat. L. 1141.]

See R. S. sec. 5559, 7 Fed. Stat. Annot. 104. The change in this section consists in the substitution of the word "person" for the words "negro, mulatto, or person of color."

SEC. 263. [*Apprehension of officers and crew.*] The commanders of such commissioned vessels shall cause to be apprehended and taken into custody every person found on board of such offending vessel so seized and taken, being of the officers or crew thereof, and him convey, as soon as conveniently may be, to the civil authority of the United States, to be proceeded against in due course of law. [35 Stat. L. 1141.]

See R. S. sec. 5560, 7 Fed. Stat. Annot. 104.

SEC. 264. [*Removal of persons delivered from seized vessels.*] The President is authorized to make such regulations and arrangements as he may deem expedient for the safe-keeping, support, and removal beyond the limits of the United States of all such persons as may be so delivered and brought within its jurisdiction. [35 Stat. L. 1141.]

See R. S. sec. 5561, 7 Fed. Stat. Annot. 104. The change in this section consists in the substitution of the word "person" for the words "negroes, mulattoes, or persons of color."

SEC. 265. [*To what port captured vessels sent.*] It shall be the duty of the commander of any armed vessel of the United States, whenever he makes any capture under the preceding provisions, to bring the vessel and her cargo, for adjudication, into some port of the State, Territory, or District to which such vessel so captured may belong, if he can ascertain the same; if not, then into any convenient port of the United States. [35 Stat. L. 1141.]

See R. S. sec. 5563, 7 Fed. Stat. Annot. 105. This section is amended by the addition of the words "or District."

SEC. 266. [*When owners of foreign vessels shall give bond.*] Every owner, master, or factor of any foreign vessel clearing from any port within the jurisdiction of the United States, and suspected to be intended for the slave trade, and the suspicion being declared to the officer of the customs by any citizen, on oath, and such information being to the satisfaction of the officer, shall first give bond, with sufficient sureties, to the Treasurer of the United States that none of the natives of any foreign country or place shall be taken on board such vessel to be transported or sold as slaves in any other foreign port or place whatever, within nine months thereafter. [35 Stat. L. 1141.]

See R. S. sec. 5564, 7 Fed. Stat. Annot. 105. The words "clearing from any port within the jurisdiction of the United States" are substituted for the words "clearing out for any of the coasts or kingdoms of Africa."

SEC. 267. [*Instructions to commanders of armed vessels.*] The President is authorized to issue instructions to the commanders of the armed vessels of the United States, directing them, whenever it is practicable, and under such rules and regulations as he may prescribe, to proceed directly to the country from which they were taken, and there hand over to the agent of the United States all such persons, delivered from on board vessels seized in the prosecution of the slave trade; and they shall afterwards bring the captured vessels and persons engaged in prosecuting such trade to the United States for trial and adjudication. [35 Stat. L. 1141.]

See R. S. sec. 5567, 7 Fed. Stat. Annot. 106. The word "persons" has been substituted for the words "negroes, mulattoes, and persons of

color," and the words "country from which they were taken" for the words "coast of Africa."

SEC. 268. [*Kidnaping.*] Whoever kidnaps or carries away any other person, with the intent that such other person be sold into involuntary servitude, or held as a slave; or who entices, persuades, or induces any other person to go on board any vessel or to any other place with the intent that he may be made or held as a slave, or sent out of the country to be so made or held; or who in any way knowingly aids in causing any other person to be held, sold, or carried away to be held or sold as a slave, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1141.]

See R. S. sec. 5525, 4 Fed. Stat. Annot. 774, 7 Fed. Stat. Annot. 101.

SEC. 269. [*Holding or returning persons to peonage.*] Whoever holds, arrests, returns, or causes to be held, arrested, or returned, or in any manner aids in the arrest or return of any person to a condition of peonage, shall be fined not more than five thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1142.]

See R. S. sec. 5526, 4 Fed. Stat. Annot. 774.

SEC. 270. [*Obstructing enforcement of preceding section.*] Whoever obstructs, or attempts to obstruct, or in any way interferes with or prevents the enforcement of the section last preceding, shall be liable to the penalties therein prescribed. [35 Stat. L. 1142.]

See R. S. sec. 5527, 4 Fed. Stat. Annot. 775. The words "pains and" have been omitted before penalties as redundant.

SEC. 271. [*Bringing kidnaped persons into United States.*] Whoever shall knowingly and willfully bring into the United States or any place subject to the jurisdiction thereof, any person inveigled or forcibly kidnaped in any other country, with intent to hold such person so inveigled or kidnaped in confinement or to any involuntary servitude; or whoever shall knowingly and willfully sell, or cause to be sold, into any condition of involuntary servitude, any other person for any term whatever; or whoever shall knowingly and willfully hold to involuntary servitude any person so brought or sold, shall be fined not more than five thousand dollars and imprisoned not more than five years. [35 Stat. L. 1142.]

See the Act of June 23, 1874, ch. 464, sec. 1, 4 Fed. Stat. Annot. 775. This section has been broadened so that its provisions will apply in any place subject to the jurisdiction

of the United States, and the word "servitude" substituted for "service" for purposes of uniformity.

CHAPTER ELEVEN.

OFFENSES WITHIN THE ADMIRALTY AND MARITIME AND THE TERRITORIAL JURISDICTION OF THE UNITED STATES.

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| <p>Sec.
272. Places within or waters upon which sections of this chapter shall apply.
273. Murder.
274. Manslaughter.
275. Punishment for murder; for manslaughter.
276. Assault with intent to commit murder, rape, robbery, etc.
277. Attempt to commit murder or manslaughter.
278. Rape.
279. Having carnal knowledge of female under sixteen.
280. Seduction of female passenger on vessel.</p> | <p>Sec.
281. Payment of fine to female seduced; evidence required; limitation on indictment.
282. Loss of life by misconduct of officers, etc., of vessels.
283. Maiming.
284. Robbery.
285. Arson of dwelling house.
286. Arson of other buildings, etc.
287. Larceny.
288. Receiving, etc., stolen goods.
289. Laws of States adopted for punishing wrongful acts, etc.</p> |
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SEC. 272. [*Places within or waters upon which sections of this chapter shall apply.*] The crimes and offenses defined in this chapter shall be punished as herein prescribed:

First. When committed upon the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State, or when committed within the admiralty and maritime jurisdiction of the United States and out of the jurisdiction of any particular State on board any vessel belonging in whole or in part to the United States or any citizen thereof, or to any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof.

Second. When committed upon any vessel registered, licensed, or enrolled under the laws of the United States, and being on a voyage upon the waters of any of the Great Lakes, namely: Lake Superior, Lake Michigan, Lake Huron, Lake Saint Clair, Lake Erie, Lake Ontario, or any of the waters connecting any of said lakes, or upon the River Saint Lawrence where the same constitutes the International boundary line.

Third. When committed within or on any lands reserved or acquired for the exclusive use of the United States, and under the exclusive jurisdiction thereof, or any place purchased or otherwise acquired by the United States by consent of the legislature of the State in which the same shall be, for the erection of a fort, magazine, arsenal, dock-yard, or other needful building.

Fourth. On any island, rock, or key, containing deposits of guano, which may, at the discretion of the President, be considered as appertaining to the United States. [*35 Stat. L. 1142.*]

This section is new. A section of this character was necessary in order to avoid repeating in each section of the chapter the waters

or places upon or within which the section shall apply.

SEC. 273. [*Murder.*] Murder is the unlawful killing of a human being with malice aforethought. Every murder perpetrated by poison, lying in wait, or any other kind of willful, deliberate, malicious, and premeditated killing; or committed in the perpetration of, or attempt to perpetrate, any arson, rape, burglary, or robbery; or perpetrated from a premeditated design unlawfully and maliciously to effect the death of any human being other than him who is killed, is murder in the first degree. Any other murder is murder in the second degree. [*35 Stat. L. 1143.*]

See R. S. sec. 5339, 3 Fed. Stat. Annot. 231; sec. 5372, 5 Fed. Stat. Annot. 756. This section enlarged the common-law definition, and

is similar in terms to the statutes defining murder in a large majority of the states,

SEC. 274. [*Manslaughter.*] Manslaughter is the unlawful killing of a human being without malice. It is of two kinds:

First. Voluntary — Upon a sudden quarrel or heat of passion.

Second. Involuntary — In the commission of an unlawful act not amounting to a felony, or in the commission of a lawful act which might produce death, in an unlawful manner, or without due caution and circumspection. [35 Stat. L. 1143.]

See R. S. sec. 5341, 3 Fed. Stat. Annot. 234. This section enlarges the common-law definition, manslaughter being defined and classified

in language similar to that to be found in the statutes of a large majority of the states.

SEC. 275. [*Punishment for murder; for manslaughter.*] Every person guilty of murder in the first degree shall suffer death. Every person guilty of murder in the second degree shall be imprisoned not less than ten years and may be imprisoned for life. Every person guilty of voluntary manslaughter shall be imprisoned not more than ten years. Every person guilty of involuntary manslaughter shall be imprisoned not more than three years, or fined not exceeding one thousand dollars, or both. [35 Stat. L. 1143.]

See R. S. sec. 5339, 3 Fed. Stat. Annot. 231. R. S. sec. 5343, 3 Fed. Stat. Annot. 235 (note). This section prescribes the punishment for the

different degrees of murder and different classes of manslaughter.

SEC. 276. [*Assault with intent to commit murder, rape, robbery, etc.*] Whoever shall assault another with intent to commit murder, or rape, shall be imprisoned not more than twenty years. Whoever shall assault another with intent to commit any felony, except murder, or rape, shall be fined not more than three thousand dollars, or imprisoned not more than ten years, or both. Whoever, with intent to do bodily harm, and without just cause or excuse, shall assault another with a dangerous weapon, instrument, or other thing, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. Whoever shall unlawfully strike, beat, or wound another, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. Whoever shall unlawfully assault another, shall be fined not more than three hundred dollars, or imprisoned not more than three months, or both. [35 Stat. L. 1143.]

See R. S. sec. 5346, 1 Fed. Stat. Annot. 511. This section is broadened so as to define and punish every grade of assault.

SEC. 277. [*Attempt to commit murder or manslaughter.*] Whoever shall attempt to commit murder or manslaughter, except as provided in the preceding section, shall be fined not more than one thousand dollars and imprisoned not more than three years. [35 Stat. L. 1143.]

See R. S. sec. 5342, 3 Fed. Stat. Annot. 235. The places within which the offense may be committed, as described in R. S. sec. 5339, are omitted as being unnecessary, because of the

language employed in sec. 272 of this Act. The words "except as provided in the preceding section" have been inserted.

SEC. 278. [*Rape.*] Whoever shall commit the crime of rape shall suffer death. [35 Stat. L. 1143.]

See R. S. sec. 5345, 6 Fed. Stat. Annot. 759.

SEC. 279. [*Having carnal knowledge of female under sixteen.*] Whoever shall carnally and unlawfully know any female under the age of sixteen years, or shall be accessory to such carnal and unlawful knowledge before the fact, shall, for a first offense, be imprisoned not more than fifteen years, and for a

subsequent offense be imprisoned not more than thirty years. [35 Stat. L. 1143.]

See the Act of Feb. 9, 1889, ch. 120, sec. 1, 6 Fed. Stat. Annot. 759.

SEC. 280. [*Seduction of female passenger on vessel.*] Every master, officer, seaman, or other person employed on board of any American vessel who, during the voyage, under promise of marriage, or by threats, or the exercise of authority, or solicitation, or the making of gifts or presents, seduces and has illicit connection with any female passenger, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both; but subsequent intermarriage of the parties may be pleaded in bar of conviction. [35 Stat. L. 1143.]

See R. S. sec. 5349, 7 Fed. Stat. Annot. 1. The only change made in this section is that authorizing the imposition of both fine and imprisonment.

SEC. 281. [*Payment of fine to female seduced; evidence required; limitation on indictment.*] When a person is convicted of a violation of the section last preceding, the court may, in its discretion, direct that the amount of the fine, when paid, be paid for the use of the female seduced, or her child, if she have any; but no conviction shall be had on the testimony of the female seduced, without other evidence, nor unless the indictment is found within one year after the arrival of the vessel on which the offense was committed at the port of its destination. [35 Stat. L. 1144.]

See R. S. secs. 5350, 5351, 7 Fed. Stat. Annot. 2. In combining these Revised Statutes sections slight changes of phraseology were made necessary for purposes of revision, but no change was made in the law.

SEC. 282. [*Loss of life by misconduct of officers, etc., of vessels.*] Every captain, engineer, pilot, or other person employed on any steamboat or vessel, by whose misconduct, negligence, or inattention to his duties on such vessel the life of any person is destroyed, and every owner, charterer, inspector, or other public officer, through whose fraud, neglect, connivance, misconduct, or violation of law the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both: *Provided*, That when the owner or charterer of any steamboat or vessel shall be a corporation, any executive officer of such corporation, for the time being actually charged with the control and management of the operation, equipment, or navigation of such steamboat or vessel, who has knowingly and willfully caused or allowed such fraud, neglect, connivance, misconduct, or violation of law, by which the life of any person is destroyed, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1144.]

See R. S. sec. 5344, 3 Fed. Stat. Annot. 235, and the Act of March 3, 1905, ch. 1454, sec. 5, 10 Fed. Stat. Annot. 95. Aside from the omission of redundant language, the only change made in this section is that which authorizes the imposition of a fine in lieu of imprisonment in those cases in which an executive officer of a boat owned by a corporation is found guilty of a violation of the section.

SEC. 283. [*Maiming.*] Whoever, with intent to maim or disfigure, shall cut, bite, or slit, the nose, ear, or lip, or cut out or disable the tongue, or put out or destroy an eye, or cut off or disable a limb or any member of another person; or whoever, with like intent, shall throw or pour upon another person, any scalding hot water, vitriol, or other corrosive acid, or caustic substance

whatever, shall be fined not more than one thousand dollars, or imprisoned not more than seven years, or both. [35 Stat. L. 1144.]

See R. S. sec. 5348, 4 Fed. Stat. Annot. 874. This section is amended to conform to modern legislation upon the subject. As amended it provides for fine or imprisonment, or both. *

SEC. 284. [*Robbery.*] Whoever, by force and violence, or by putting in fear, shall feloniously take from the person or presence of another anything of value, shall be imprisoned not more than fifteen years. [35 Stat. L. 1144.]

See R. S. sec. 5372, 5 Fed. Stat. Annot. 756. R. S. sec. 5372 punished robbery committed on the high seas or on any waters out of the jurisdiction of any state. It is here broadened so as to punish the crime when committed within the jurisdiction defined in sec. 272 of this Act.

SEC. 285. [*Arson of dwelling house.*] Whoever shall willfully and maliciously set fire to, burn, or attempt to burn, or by means of a dangerous explosive destroy or attempt to destroy, any dwelling house, or any store, barn, stable, or other building, parcel of a dwelling house, shall be imprisoned not more than twenty years. [35 Stat. L. 1144.]

See R. S. sec. 5385, 1 Fed. Stat. Annot. 457. This section is amended so as to punish the destruction or attempted destruction of the buildings enumerated by means of a dangerous explosive, and also by reducing the maximum penalty from imprisonment for life to not exceeding twenty years.

SEC. 286. [*Arson of other buildings, etc.*] Whoever shall maliciously set fire to, burn, or attempt to burn, or by any means destroy or injure, or attempt to destroy or injure, any arsenal, armory, magazine, ropewalk, ship house, warehouse, blockhouse, or barrack, or any storehouse, barn, or stable, not parcel of a dwelling house, or any other building not mentioned in the section last preceding, or any vessel built, building, or undergoing repair, or any light-house, or beacon, or any machinery, timber, cables, rigging, or other materials or appliances for building, repairing, or fitting out vessels, or any pile of wood, boards, or other lumber, or any military, naval, or victualing stores, arms, or other munitions of war, shall be fined not more than five thousand dollars and imprisoned not more than twenty years. [35 Stat. L. 1144.]

See R. S. secs. 5386, 5387, 1 Fed. Stat. Annot. 457. This section is amended so as to punish the destruction or attempted destruction of the buildings enumerated therein, and also by reducing the maximum penalty from life imprisonment to fine and imprisonment for twenty years.

SEC. 287. [*Larceny.*] Whoever shall take and carry away, with intent to steal or purloin, any personal property of another, shall be punished as follows: If the property taken is of a value exceeding fifty dollars, or is taken from the person of another, by a fine of not more than ten thousand dollars, or imprisonment for not more than ten years, or both; in all other cases, by a fine of not more than one thousand dollars, or by imprisonment not more than one year, or both. If the property stolen consists of any evidence of debt, or other written instrument, the amount of money due thereon, or secured to be paid thereby, and remaining unsatisfied, or which in any contingency might be collected thereon, or the value of the property the title to which is shown thereby, or the sum which might be recovered in the absence thereof, shall be deemed to be the value of the property stolen. [35 Stat. L. 1144.]

See R. S. sec. 5356, 4 Fed. Stat. Annot. 789. This section follows the law in a large majority of the states by dividing larceny into two classes and grading the punishment accordingly.

SEC. 288. [*Receiving, etc., stolen goods.*] Whoever shall buy, receive, or conceal, any money, goods, bank notes, or other thing which may be the subject of larceny, which has been feloniously taken, stolen, or embezzled, from any other person, knowing the same to have been so taken, stolen, or embezzled, shall be fined not more than one thousand dollars and imprisoned not more than three years; and such person may be tried either before or after the conviction of the principal offender. [*35 Stat. L. 1146.*]

See R. S. sec. 5357, 6 Fed. Stat. Annot. 761. This section is amended so as to punish the receiving of money which has been embezzled,

and also by authorizing the trial of the receiver of such money before the trial of the principal offender.

SEC. 289. [*Laws of states adopted for punishing wrongful acts, etc.*] Whoever, within the territorial limits of any State, organized Territory, or District, but within or upon any of the places now existing or hereafter reserved or acquired, described in section two hundred and seventy-two of this Act, shall do or omit the doing of any act or thing which is not made penal by any law of Congress, but which if committed or omitted within the jurisdiction of the State, Territory, or District in which such place is situated, by the laws thereof now in force would be penal, shall be deemed guilty of a like offense and be subject to a like punishment; and every such State, Territorial, or District law shall, for the purposes of this section, continue in force, notwithstanding any subsequent repeal or amendment thereof by any such State, Territory, or District. [*35 Stat. L. 1145.*]

See R. S. sec. 5391, 2 Fed. Stat. Annot. 355, and the Act of July 7, 1898, ch. 576, sec. 2, 2 Fed. Stat. Annot. 356. R. S. sec. 5391 provides that if any offense "be committed, etc., which offense" is not prohibited or punished by any law of Congress, such "offense" shall receive the same punishment as is attached thereto by the law of the state within which

the place upon which it is committed is situated. An act which is not forbidden by law, and to the commission of which no penalty is attached, can in no legal sense be denominated an "offense." The section has therefore been rewritten so as to correctly express what Congress intended when it enacted the section referred to.

CHAPTER TWELVE.

PIRACY AND OTHER OFFENSES UPON THE SEAS.

- Sec.
290. Piracy under the law of nations.
291. Maltreatment of crew by officers of vessel.
292. Inciting revolt or mutiny on shipboard.
293. Revolt and mutiny on shipboard.
294. Seaman laying violent hands on his commander.
295. Abandonment of mariners in foreign ports.
296. Conspiracy to cast away vessel.
297. Plundering vessel in distress, etc.
298. Attacking vessel with intent to plunder.
299. Breaking and entering vessel, etc.
300. Owner destroying vessel at sea.
301. Other person destroying or attempting to destroy vessel at sea.

- Sec.
302. Robbery on shore by crew of piratical vessel.
303. Arming vessel to cruise against citizens of the United States.
304. Piracy under color of a foreign commission.
305. Piracy by subjects or citizens of a foreign state.
306. Running away with or yielding up vessel or cargo.
307. Confederating, etc., with pirates.
308. Sale of arms and intoxicants forbidden in Pacific islands.
309. Offenses under preceding section deemed on high seas.
310. "Vessels of the United States" defined.

SEC. 290. [*Piracy under the law of nations.*] Whoever, on the high seas, commits the crime of piracy as defined by the law of nations, and is afterwards brought into or found in the United States, shall be imprisoned for life. [*35 Stat. L. 1145.*]

See R. S. sec. 5368, 5 Fed. Stat. Annot. 755, and Act of Jan. 15, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot. 357.

SEC. 291. [*Maltreatment of crew by officers of vessel.*] Whoever, being the master or officer of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, beats, wounds, or without justifiable cause, imprisons any of the crew of such vessel, or withholds from them suitable food and nourishment, or inflicts upon them any cruel and unusual punishment, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. Nothing herein contained shall be construed to repeal or modify section forty-six hundred and eleven of the Revised Statutes. [35 Stat. L. 1145.]

See R. S. sec. 5347, 6 Fed. Stat. Annot. 922, and the Act of March 3, 1897, ch. 389, sec. 18, 6 Fed. Stat. Annot. 924. The words "of the United States" have been added after the word "vessel."

SEC. 292. [*Inciting revolt or mutiny on shipboard.*] Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, endeavors to make a revolt or mutiny on board such vessel, or combines, conspires, or confederates with any other person on board to make such revolt or mutiny, or solicits, incites, or stirs up any other of the crew to disobey or resist the lawful orders of the master or other officer of such vessel, or to refuse or neglect their proper duty on board thereof, or to betray their proper trust, or assembles with others in a tumultuous and mutinous manner, or makes a riot on board thereof, or unlawfully confines the master or other commanding officer thereof, shall be fined not more than one thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1146.]

See R. S. sec. 5359, 6 Fed. Stat. Annot. 924. The words "of the United States" have been added after the word "vessel."

SEC. 293. [*Revolt and mutiny on shipboard.*] Whoever, being of the crew of a vessel of the United States, on the high seas, or on any other waters within the admiralty and maritime jurisdiction of the United States, unlawfully and with force, or by fraud, or intimidation, usurps the command of such vessel from the master or other lawful officer in command thereof, or deprives him of authority and command on board, or resists or prevents him in the free and lawful exercise thereof, or transfers such authority and command to another not lawfully entitled thereto, is guilty of a revolt and mutiny, and shall be fined not more than two thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1146.]

See R. S. sec. 5360, 6 Fed. Stat. Annot. 929. The words "of the United States" have been added after the word "vessel."

SEC. 294. [*Seaman laying violent hands on his commander.*] Whoever, being a seaman, lays violent hands upon his commander, thereby to hinder and prevent his fighting in defense of his vessel or the goods intrusted to him, is a pirate, and shall be imprisoned for life. [35 Stat. L. 1146.]

See R. S. sec. 5369, 5 Fed. Stat. Annot. 755, and the Act of Jan. 15, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot. 357.

SEC. 295. [*Abandonment of mariners in foreign ports.*] Whoever, being master or commander of a vessel of the United States, while abroad, maliciously and without justifiable cause forces any officer or mariner of such vessel on shore, in order to leave him behind in any foreign port or place, or refuses to bring home again all such officers and mariners of such vessel whom he carried out with him, as are in a condition to return and willing to return, when

he is ready to proceed on his homeward voyage, shall be fined not more than five hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1146.]

See R. S. sec. 5363, 7 Fed. Stat. Annot. 88. Section 310 of this Act defines what shall constitute a "vessel of the United States." In view of this section of definition, the words

"belonging, in whole or in part, to any citizen" have been omitted as unnecessary. Both fine and imprisonment have been imposed.

SEC. 296. [*Conspiracy to cast away vessel.*] Whoever, on the high seas, or within the United States, willfully and corruptly conspires, combines, and confederates with any other person, such other person being either within or without the United States, to cast away or otherwise destroy any vessel, with intent to injure any person that may have underwritten or may thereafter underwrite any policy of insurance thereon or on goods on board thereof, or with intent to injure any person that has lent or advanced, or may lend or advance, any money on such vessel on bottomry or respondentia; or whoever, within the United States, builds, or fits out, or aids in building or fitting out, any vessel with intent that the same be cast away or destroyed, with the intent hereinbefore mentioned, shall be fined not more than ten thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1146.]

See R. S. sec. 5364, 7 Fed. Stat. Annot. 89.

SEC. 297. [*Plundering vessel in distress, etc.*] Whoever plunders, steals, or destroys any money, goods, merchandise, or other effects, from or belonging to any vessel in distress, or wrecked, lost, stranded, or cast away, upon the sea, or upon any reef, shoal, bank, or rocks of the sea, or in any other place within the admiralty and maritime jurisdiction of the United States, shall be fined not more than five thousand dollars and imprisoned not more than ten years; and whoever willfully obstructs the escape of any person endeavoring to save his life from such vessel, or the wreck thereof; or whoever holds out or shows any false light, or extinguishes any true light, with intent to bring any vessel sailing upon the sea into danger, or distress, or shipwreck, shall be imprisoned not less than ten years and may be imprisoned for life. [35 Stat. L. 1146.]

See R. S. sec. 5358, 7 Fed. Stat. Annot. 87. The imprisonment which may be imposed for a violation of the provisions of the latter por-

tion of this section has been increased from imprisonment for ten years to life imprisonment.

SEC. 298. [*Attacking vessel with intent to plunder.*] Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, by surprise or by open force, maliciously attacks or sets upon any vessel belonging to another, with an intent unlawfully to plunder the same, or to despoil any owner thereof of any moneys, goods, or merchandise laden on board thereof, shall be fined not more than five thousand dollars and imprisoned not more than ten years. [35 Stat. L. 1147.]

See R. S. sec. 5361, 7 Fed. Stat. Annot. 88. The enumeration of the waters upon which the commission of the offense defined in this section may be punished is omitted as un-

necessary (see sec. 272), and the section is broadened so as to punish the offense whether committed within or without the jurisdiction of any state.

SEC. 299. [*Breaking and entering vessel, etc.*] Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, and out of the jurisdiction of any particular State, breaks, or enters any vessel, with intent to commit any felony, or maliciously cuts, spoils, or destroys any cordage, cable, buoys, buoy-rope, head-fast, or other fast, fixed to the anchor or moorings belonging to any vessel, shall be fined not more

than one thousand dollars and imprisoned not more than five years. [35 Stat. L. 1147.]

See R. S. sec. 5362, 7 Fed. Stat. Annot. 88. when committed "out of the jurisdiction of any particular state."
This section is narrowed in its operation so as to punish the offenses defined therein only

SEC. 300. [*Owner destroying vessel at sea.*] Whoever, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel, of which he is owner, in whole or in part, with intent to prejudice any person that may underwrite any policy of insurance thereon, or any merchant that may have goods thereon, or any other owner of such vessel, shall be imprisoned for life or for any term of years. [35 Stat. L. 1147.]

See R. S. sec. 5365, 7 Fed. Stat. Annot. 89. only upon the high seas, but also "on any other waters within the admiralty and maritime jurisdiction of the United States."
This section is broadened so as to punish the acts denounced therein when committed not

SEC. 301. [*Other person destroying or attempting to destroy vessel at sea.*] Whoever, not being an owner, upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, willfully and corruptly casts away or otherwise destroys any vessel of the United States to which he belongs, or, willfully, with intent to destroy the same, sets fire to any such vessel, or otherwise attempts the destruction thereof, shall be imprisoned not more than ten years. [35 Stat. L. 1147.]

See R. S. secs. 5366, 5367, 7 Fed. Stat. Annot. 90, 91. This section is broadened so as to punish the acts denounced therein when committed not only upon the high seas, but also "on any other waters within the admiralty and maritime jurisdiction of the United States."

SEC. 302. [*Robbery on shore by crew of piratical vessel.*] Whoever, being engaged in any piratical cruise, or enterprise, or being of the crew of any piratical vessel, lands from such vessel, and on shore commits robbery, is a pirate, and shall be imprisoned for life. [35 Stat. L. 1147.]

See R. S. sec. 5371, 5 Fed. Stat. Annot. 756; Act of Jan. 15, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot. 357.

SEC. 303. [*Arming vessel to cruise against citizens of the United States.*] Whoever, being a citizen of the United States, without the limits thereof, fits out and arms, or attempts to fit out and arm, or procures to be fitted out and armed, or knowingly aids or is concerned in furnishing, fitting out, or arming, any private vessel of war or privateer, with intent that such vessel shall be employed to cruise or commit hostilities upon the citizens of the United States, or their property, or whoever takes the command of or enters on board of any such vessel, for such intent, or who purchases any interest in any such vessel with a view to share in the profits thereof, shall be fined not more than ten thousand dollars and imprisoned not more than ten years. The trial for such offense, if committed without the limits of the United States, shall be in the district in which the offender shall be apprehended or first brought. [35 Stat. L. 1147.]

See R. S. sec. 5284, 5 Fed. Stat. Annot. 365.

SEC. 304. [*Piracy under color of a foreign commission.*] Whoever, being a citizen of the United States, commits any murder or robbery, or any act of hostility against the United States, or against any citizen thereof, on the high seas, under color of any commission from any foreign prince, or state, or on

pretense of authority from any person, is, notwithstanding the pretense of such authority, a pirate, and shall be imprisoned for life. [35 Stat. L. 1147.]

See R. S. sec. 5373, 5 Fed. Stat. Annot. 757; Act of Jan. 15, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot. 357.

SEC. 305. [*Piracy by subjects or citizens of a foreign state.*] Whoever, being a citizen or subject of any foreign state, is found and taken on the sea making war upon the United States, or cruising against the vessels and property thereof, or of the citizens of the same, contrary to the provisions of any treaty existing between the United States and the state of which the offender is a citizen or subject, when by such treaty such acts are declared to be piracy, is guilty of piracy, and shall be imprisoned for life. [35 Stat. L. 1147.]

See R. S. sec. 5374, 5 Fed. Stat. Annot. 758; Act of Jan. 15, 1897, ch. 29, sec. 2, 2 Fed. Stat. Annot. 357.

SEC. 306. [*Running away with or yielding up vessel or cargo.*] Whoever, being a captain or other officer or mariner of a vessel upon the high seas or on any other waters within the admiralty and maritime jurisdiction of the United States, piratically or feloniously runs away with such vessel, or with any goods or merchandise thereof, to the value of fifty dollars, or who yields up such vessel voluntarily to any pirate, shall be fined not more than ten thousand dollars, or imprisoned not more than ten years, or both. [35 Stat. L. 1148.]

See R. S. sec. 5383, 7 Fed. Stat. Annot. 91.

SEC. 307. [*Confederating, etc., with pirates.*] Whoever attempts or endeavors to corrupt any commander, master, officer, or mariner to yield up or to run away with any vessel, or with any goods, wares, or merchandise, or to turn pirate, or to go over to or confederate with pirates, or in any wise to trade with any pirate, knowing him to be such, or furnishes such pirate with any ammunition, stores, or provisions of any kind, or fits out any vessel knowingly and, with a design to trade with, supply, or correspond with any pirate or robber upon the seas; or whoever consults, combines, confederates, or corresponds with any pirate or robber upon the seas, knowing him to be guilty of any piracy or robbery; or whoever, being a seaman, confines the master of any vessel, shall be fined not more than one thousand dollars and imprisoned not more than three years. [35 Stat. L. 1148.]

See R. S. sec. 5384, 5 Fed. Stat. Annot. 759.

SEC. 308. [*Sale of arms and intoxicants forbidden in Pacific islands.*] Whoever, being subject to the authority of the United States, shall give, sell, or otherwise supply any arms, ammunition, explosive substance, intoxicating liquor, or opium to any aboriginal native of any of the Pacific islands lying within the twentieth parallel of north latitude and the fortieth parallel of south latitude, and the one hundred and twentieth meridian of longitude west and one hundred and twentieth meridian of longitude east of Greenwich, not being in the possession or under the protection of any civilized power, shall be fined not more than fifty dollars, or imprisoned not more than three months, or both. In addition to such punishment, all articles of a similar nature to those in respect to which an offense has been committed, found in the possession of the offender, may be declared forfeited. If it shall appear to the court that such opium, wine, or spirits have been given bona fide for medical purposes, it shall be lawful for the court to dismiss the charge. [35 Stat. L. 1148.]

See the Act of Feb. 14, 1902, ch. 18, secs. 1, 2, 3 Fed. Stat. Annot. 518. The combination of these two sections makes no change in the law.

SEC. 309. [*Offenses under preceding section deemed on high seas.*] All offenses against the provisions of the section last preceding, committed on any of said islands or on the waters, rocks, or keys adjacent thereto, shall be deemed committed on the high seas on board a merchant ship or vessel belonging to the United States, and the courts of the United States shall have jurisdiction accordingly. [35 Stat. L. 1148.]

See the Act of Feb. 14, 1902, ch. 18, sec. 3, 3 Fed. Stat. Annot. 518. The few changes in this section were made necessary for purposes of revision, but no change is made in the law.

SEC. 310. [*"Vessel of the United States" defined.*] The words "vessel of the United States," wherever they occur in this chapter, shall be construed to mean a vessel belonging in whole or in part to the United States, or any citizen thereof, or any corporation created by or under the laws of the United States, or of any State, Territory, or District thereof. [35 Stat. L. 1148.]

This section is new, and is a section of definition.

CHAPTER THIRTEEN.

CERTAIN OFFENSES IN THE TERRITORIES.

Sec.	Sec.
311. Places within which sections of this chapter shall apply.	317. Incest.
312. Circulation of obscene literature; promoting abortion.	318. Fornication.
313. Polygamy.	319. Certificates of marriage; penalty for failure to record.
314. Unlawful cohabitation.	320. Prize fights, bull fights, etc.
315. Joinder of counts.	321. Definition of "Pugilistic encounter."
316. Adultery.	322. Train robberies in Territories, etc.

SEC. 311. [*Places within which sections of this chapter shall apply.*] Except as otherwise expressly provided, the offenses defined in this chapter shall be punished as hereinafter provided, when committed within any Territory or District, or within or upon any place within the exclusive jurisdiction of the United States. [35 Stat. L. 1148.]

This section is new, its purpose being to avoid repeating in each section of this chapter the places within which the several sections of the chapter shall apply.

SEC. 312. [*Circulation of obscene literature; promoting abortion.*] Whoever shall sell, lend, give away, or in any manner exhibit, or offer to sell, lend, give away, or in any manner exhibit, or shall otherwise publish or offer to publish in any manner, or shall have in his possession for any such purpose, any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever, for the prevention of conception, or for causing unlawful abortion, or shall advertise the same for sale, or shall write or print, or cause to be written or printed, any card, circular, book, pamphlet, advertisement, or notice of any kind, stating when, where, how, or of whom, or by what means, any of the articles above mentioned can be purchased or obtained, or shall manufacture, draw, or print, or in anywise make any of such articles, shall be fined not more than two thousand dollars, or imprisoned not more than five years, or both. [35 Stat. L. 1149.]

See R. S. sec. 5389, 5 Fed. Stat. Annot. 381. The only change made in this section is by the addition of the words "or both" at the end of the section, the omission of the places within which the section shall apply having no effect in view of the provisions of sec. 311 of this Act.

SEC. 313. [*Polygamy.*] Every person who has a husband or wife living, who marries another, whether married or single, and any man who simultaneously, or on the same day, marries more than one woman, is guilty of polygamy, and shall be fined not more than five hundred dollars and imprisoned not more than five years. But this section shall not extend to any person by reason of any former marriage whose husband or wife by such marriage shall have been absent for five successive years, and is not known to such person to be living, and is believed by such person to be dead, nor to any person by reason of any former marriage which shall have been dissolved by a valid decree of a competent court, nor to any person by reason of any former marriage which shall have been pronounced void by a valid decree of a competent court, on the ground of nullity of the marriage contract. [35 Stat. L. 1149.]

See R. S. sec. 5352, 1 Fed. Stat. Annot. 704. The omission of the places within which the section shall apply has no effect in view of the provisions of sec. 311.

SEC. 314. [*Unlawful cohabitation.*] If any male person cohabits with more than one woman, he shall be fined not more than three hundred dollars, or imprisoned not more than six months, or both. [35 Stat. L. 1149.]

See the Act of March 22, 1882, ch. 47, sec. 3, 1 Fed. Stat. Annot. 706. The omission of the places within which the section shall apply has no effect in view of the provisions of sec. 311.

SEC. 315. [*Joinder of counts.*] Counts for any or all of the offenses named in the two sections last preceding may be joined in the same information or indictment. [35 Stat. L. 1149.]

See the Act of March 22, 1882, ch. 47, sec. 4, 1 Fed. Stat. Annot. 706. The change in the language of this section is necessary for purposes of revision.

SEC. 316. [*Adultery.*] Whoever shall commit adultery shall be imprisoned not more than three years; and when the act is committed between a married woman and a man who is unmarried, both parties to such act shall be deemed guilty of adultery; and when such act is committed between a married man and a woman who is unmarried, the man shall be deemed guilty of adultery. [35 Stat. L. 1149.]

See the Act of March 3, 1887, ch. 397, sec. 3, 1 Fed. Stat. Annot. 708.

SEC. 317. [*Incest.*] Whoever, being related to another person within and not including the fourth degree of consanguinity computed according to the rules of the civil law, shall marry or cohabit with, or have sexual intercourse with such other so related person, knowing her or him to be within said degree of relationship, shall be deemed guilty of incest, and shall be imprisoned not more than fifteen years. [35 Stat. L. 1149.]

See the Act of March 3, 1887, ch. 397, sec. 4, 1 Fed. Stat. Annot. 709.

SEC. 318. [*Fornication.*] If any unmarried man or woman commits fornication, each shall be fined not more than one hundred dollars, or imprisoned not more than six months. [35 Stat. L. 1149.]

See the Act of March 3, 1887, ch. 397, sec. 5, 1 Fed. Stat. Annot. 709.

SEC. 319. [*Certificates of marriage; penalty for failure to record.*] Every ceremony of marriage, or in the nature of a marriage ceremony of any kind, whether either or both or more of the parties to such ceremony be lawfully competent to be the subjects of such marriage or ceremony or not, shall be certified by a certificate stating the fact and nature of such ceremony, the full name of

each of the parties concerned, and the full name of every officer, priest, and person, by whatever style or designation called or known, in any way taking part in the performance of such ceremony, which certificate shall be drawn up and signed by the parties to such ceremony and by every officer, priest, and person taking part in the performance of such ceremony, and shall be by the officer, priest, or other person solemnizing such marriage or ceremony filed in the office of the probate court, or, if there be none, in the office of the court having probate powers in the county or district in which such ceremony shall take place, for record, and shall be immediately recorded, and be at all times subject to inspection as other public records. Such certificate, or the record thereof, or a duly certified copy of such record, shall be prima facie evidence of the facts required by this section to be stated therein in any proceeding, civil or criminal, in which the matter shall be drawn in question. But nothing in this section shall be held to prevent the proof of marriages, whether lawful or unlawful, by any evidence otherwise legally admissible for that purpose. Whoever shall willfully violate any provision of this section shall be fined not more than one thousand dollars, or imprisoned not more than two years, or both. The provisions of this section shall apply only within the Territories of the United States. [35 Stat. L. 1149.]

See the Act of March 3, 1887, ch. 397, secs. 9, 10, 4 Fed. Stat. Annot. 872, 873. Practically no change is made in this section, the

last sentence being equivalent to the matter dropped from the first part of it.

SEC. 320. [*Prize fights, bull fights, etc.*] Whoever shall voluntarily engage in a pugilistic encounter between man and man or a fight between a man and a bull or any other animal, for money or for other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged, shall be imprisoned not more than five years. The provisions of this section shall apply only within the Territories of the United States and the District of Columbia. [35 Stat. L. 1150.]

See the Act of Feb. 7, 1896, ch. 12, sec. 1, 6 Fed. Stat. Annot. 88. Practically no change is made in this section, the last sentence being

equivalent to the matter dropped from the first part of it.

SEC. 321. [*Definition of "pugilistic encounter."*] By the term "pugilistic encounter," as used in the section last preceding, is meant any voluntary fight by blows by means of fists or otherwise, whether with or without gloves, between two or more men, for money or for a prize of any character, or for any other thing of value, or for any championship, or upon the result of which any money or anything of value is bet or wagered, or to see which any admission fee is directly or indirectly charged. [35 Stat. L. 1150.]

See the Act of Feb. 7, 1896, ch. 12, sec. 2, 6 Fed. Stat. Annot. 88. The only change made in this section is that necessary for purposes of revision.

SEC. 322. [*Train robberies in territories, etc.*] Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with the intent to commit murder, or robbery, shall be fined not more than five thousand dollars, or imprisoned not more than twenty years, or both. Whoever shall willfully and maliciously trespass upon or enter upon any railroad train, railroad car, or railroad locomotive, with intent to commit any unlawful violence upon or against any passenger on said train, or car, or upon or against any engineer, conductor, fireman, brakeman, or any officer or employee connected with said locomotive, train, or car, or upon or against any

express messenger or mail agent on said train or in any car thereof, or to commit any crime or offense against any person or property thereon, shall be fined not more than one thousand dollars, or imprisoned not more than one year, or both. Whoever shall counsel, aid, abet, or assist in the perpetration of any of the offenses set forth in this section shall be deemed to be a principal therein. Upon the trial of any person charged with any offense set forth in this section, it shall not be necessary to set forth or prove the particular person against whom it was intended to commit the offense, or that it was intended to commit such offense against any particular person. [35 Stat. L. 1150.]

See the Act of July 1, 1902, ch. 1376, secs. 1-3, 6 Fed. Stat. Annot. 758.

CHAPTER FOURTEEN.

GENERAL AND SPECIAL PROVISIONS.

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| <p>Sec.
323. Punishment of death by hanging.
324. No conviction to work corruption of blood or forfeiture of estate.
325. Whipping and the pillory abolished.
326. Jurisdiction of State courts.
327. Pardoning power.
328. Indians committing certain crimes; how punished.
329. Crimes committed on Indian reservations in South Dakota.
330. Qualified verdicts in certain cases.
331. Body of executed offender may be delivered to surgeon for dissection.</p> | <p>Sec.
332. Who are principals.
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336. Murder and manslaughter; place where crime deemed to have been committed.
337. Construction of certain words.
338. Omission of words "hard labor" not to deprive court of power to impose.
339. Arrangement and classification of sections.
340. Jurisdiction of circuit and district courts.</p> |
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SEC. 323. [*Punishment of death by hanging.*] The manner of inflicting the punishment of death shall be by hanging. [35 Stat. L. 1151.]

See R. S. sec. 5325, 2 Fed. Stat. Annot. 354.

SEC. 324. [*No conviction to work corruption of blood or forfeiture of estate.*] No conviction or judgment shall work corruption of blood or any forfeiture of estate. [35 Stat. L. 1151.]

See R. S. sec. 5326, 2 Fed. Stat. Annot. 354.

SEC. 325. [*Whipping and the pillory abolished.*] The punishment of whipping and of standing in the pillory shall not be inflicted. [35 Stat. L. 1151.]

See R. S. sec. 5327, 2 Fed. Stat. Annot. 354.

SEC. 326. [*Jurisdiction of state courts.*] Nothing in this Title shall be held to take away or impair the jurisdiction of the courts of the several States under the laws thereof. [35 Stat. L. 1151.]

See R. S. sec. 5328, 2 Fed. Stat. Annot. 350.

SEC. 327. [*Pardoning power.*] Whenever, by the judgment of any court or judicial officer of the United States, in any criminal proceeding, any person is sentenced to two kinds of punishment, the one pecuniary and the other corporal, the President shall have full discretionary power to pardon or remit, in whole or in part, either one of the two kinds, without, in any manner, impairing the legal validity of the other kind, or of any portion of either kind, not pardoned or remitted. [35 Stat. L. 1151.]

See R. S. sec. 5330, 2 Fed. Stat. Annot. 355.

SEC. 328. [*Indians committing certain crimes; how punished.*] All Indians committing against the person or property of another Indian or other person any of the following crimes, namely — murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, and larceny, within any Territory of the United States, and either within or without an Indian reservation, shall be subject therefor to the laws of such Territory relating to said crimes, and shall be tried therefor in the same courts and in the same manner and shall be subject to the same penalties as are all other persons charged with the commission of said crimes, respectively; and the said courts are hereby given jurisdiction in all such cases. And all such Indians committing any of the above-named crimes against the person or property of another Indian or other person within the boundaries of any State of the United States, and within the limits of any Indian reservation, shall be subject to the same laws, tried in the same courts and in the same manner, and be subject to the same penalties as are all other persons committing any of the above crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the offense of rape upon any female Indian within the limits of any Indian reservation shall be imprisoned at the discretion of the court. [*35 Stat. L. 1151.*]

See the Acts of March 3, 1885, ch. 341, sec. 9, 3 Fed. Stat. Annot. 388; Jan. 15, 1897, ch. 29, sec. 1, 2 Fed. Stat. Annot. 356; sec. 5, 3 Fed. Stat. Annot. 389. The only amendment

in this section consists in the insertion of the words "assault with a dangerous weapon" and the word "named" before "crimes" in the second sentence.

SEC. 329. [*Crimes committed on Indian reservations in South Dakota.*] The circuit and district courts of the United States for the district of South Dakota shall have jurisdiction to hear, try, and determine all actions and proceedings in which any person shall be charged with the crime of murder, manslaughter, rape, assault with intent to kill, assault with a dangerous weapon, arson, burglary, or larceny, committed within the limits of any Indian reservation in the State of South Dakota. Any person convicted of murder, manslaughter, rape, arson, or burglary, committed within the limits of any such reservation, shall be subject to the same punishment as is imposed upon persons committing said crimes within the exclusive jurisdiction of the United States: *Provided*, That any Indian who shall commit the crime of rape upon any female Indian within any such reservation shall be imprisoned at the discretion of the court. Any person convicted of the crime of assault with intent to kill, assault with a dangerous weapon, or larceny, committed within the limits of any such reservation, shall be subject to the same punishment as is provided in cases of other persons convicted of any of said crimes under the laws of the State of South Dakota. This section is passed in pursuance of the cession of jurisdiction contained in chapter one hundred and six, Laws of South Dakota, nineteen hundred and one. [*35 Stat. L. 1151.*]

See the Act of Feb. 2, 1903, ch. 351, secs. 1-4, 10 Fed. Stat. Annot. 121, 122.

SEC. 330. [*Qualified verdicts in certain cases.*] In all cases where the accused is found guilty of the crime of murder in the first degree, or rape, the jury may qualify their verdict by adding thereto "without capital punishment;" and whenever the jury shall return a verdict qualified as aforesaid, the person convicted shall be sentenced to imprisonment for life. [*35 Stat. L. 1152.*]

See the Act of Jan. 15, 1897, ch. 29, sec. 1, 2 Fed. Stat. Annot. 356. The change in this section consists in the insertion of the words "in the first degree."

SEC. 331. [*Body of executed offender may be delivered to surgeon for dissection.*] The court before which any person is convicted of murder in the first degree, or rape, may, in its discretion, add to the judgment of death, that the body of the offender be delivered to a surgeon for dissection; and the marshal who executes such judgment shall deliver the body, after execution, to such surgeon as the court may direct; and such surgeon, or some person appointed by him, shall receive and take away the body at the time of execution. [35 Stat. L. 1152.]

See R. S. sec. 5340, 3 Fed. Stat. Annot. 234. The change in this section consists in the insertion of the words "in the first degree, or rape."

SEC. 332. [*Who are principals.*] Whoever directly commits any act constituting an offense defined in any law of the United States, or aids, abets, counsels, commands, induces, or procures its commission, is a principal. [35 Stat. L. 1152.]

See R. S. sec. 5323, 2 Fed. Stat. Annot. 361; R. S. sec. 5427, 5 Fed. Stat. Annot. 213. This section is new only in the sense that its application is made general.

SEC. 333. [*Punishment of accessories.*] Whoever, except as otherwise expressly provided by law, being an accessory after the fact to the commission of any offense defined in any law of the United States, shall be imprisoned not exceeding one-half the longest term of imprisonment, or fined not exceeding one-half the largest fine prescribed for the punishment of the principal, or both, if the principal is punishable by both fine and imprisonment; or if the principal is punishable by death, then an accessory shall be imprisoned not more than ten years. [35 Stat. L. 1152.]

See R. S. sec. 5533, 2 Fed. Stat. Annot. 356; R. S. secs. 5534, 5535, 5 Fed. Stat. Annot. 984. This section is new only in the sense that its application is made general.

SEC. 334. [*Accessories to robbery or piracy.*] Whoever, without lawful authority, receives or takes into custody any vessel, goods, or other property, feloniously taken by any robber or pirate against the laws of the United States, knowing the same to have been feloniously taken, and whoever, knowing that such pirate or robber has done or committed any such piracy or robbery, on the land or at sea, receives, entertains, or conceals any such pirate or robber, is an accessory after the fact to such robbery or piracy, and shall be imprisoned not more than ten years. [35 Stat. L. 1152.]

See R. S. sec. 5324, 4 Fed. Stat. Annot. 774; 7 Fed. Stat. Annot. 101; R. S. sec. 5533, 2 Fed. Stat. Annot. 356. The words "without lawful authority" in the first line are added, and the maximum imprisonment is increased from three to ten years and the fine omitted.

SEC. 335. [*Felonies and misdemeanors.*] All offenses which may be punished by death, or imprisonment for a term exceeding one year, shall be deemed felonies. All other offenses shall be deemed misdemeanors. [35 Stat. L. 1152.]

This section is new.

SEC. 336. [*Murder and manslaughter; place where crime deemed to have been committed.*] In all cases of murder or manslaughter, the crime shall be deemed to have been committed at the place where the injury was inflicted, or the poison administered, or other means employed which caused the death, without regard to the place where the death occurs. [35 Stat. L. 1152.]

See R. S. secs. 5339, 5341, 6 Fed. Stat. Annot. 35, 36.

SEC. 337. [*Construction of certain words.*] Words used in this title in the present tense include the future as well as the present; words used in the masculine gender include the feminine and neuter; the singular number includes the plural, and the plural the singular; the word "person" and the word "whoever" include a corporation as well as a natural person; writing includes printing and typewriting, and signature or subscription includes a mark when the person making the same intended it as such. The words "this title," wherever they occur herein, shall be construed to mean this Act. [35 Stat. L. 1152.]

This section is new, and is a section of definition. It explains itself.

SEC. 338. [*Omission of words "hard labor" not to deprive court of power to impose.*] The omission of the words "hard labor" from the provisions prescribing the punishment in the various sections of this Act, shall not be construed as depriving the court of the power to impose hard labor as a part of the punishment, in any case where such power now exists. [35 Stat. L. 1153.]

This section is new, and is inserted so as to avoid a possible construction that the omission of the words "hard labor" from the various sections of this Act indicated an in-

tention on the part of Congress that "hard labor" should no longer form a part of the punishment which might be imposed.

SEC. 339. [*Arrangement and classification of sections.*] The arrangement and classification of the several sections of this title have been made for the purpose of a more convenient and orderly arrangement of the same, and therefore no inference or presumption of a legislative construction is to be drawn by reason of the chapters under which any particular section is placed. [35 Stat. L. 1153.]

This section is new, and may be termed one of definition or construction.

SEC. 340. [*Jurisdiction of circuit and district courts.*] The crimes and offenses defined in this Title shall be cognizable in the circuit and district courts of the United States, as prescribed in sections five hundred and sixty-three and six hundred and twenty-nine of the Revised Statutes. [35 Stat. L. 1153.]

This section is new, and is a declaration that the several Circuit and District Courts shall continue to exercise the jurisdiction with

respect to the crimes defined herein that they formerly possessed.

CHAPTER FIFTEEN.

REPEALING PROVISIONS.

Sec.

341. Sections, acts, and parts of acts repealed.

342. Accrued rights, etc., not affected.

343. Prosecutions and punishments.

Sec.

344. Acts of limitation.

345. Date this Act shall be effective.

SEC. 341. [*Sections, Acts, and parts of Acts repealed.*] The following sections of the Revised Statutes and Acts and parts of Acts are hereby repealed:

Sections four hundred and twelve, fifteen hundred and fifty-three, sixteen hundred and sixty-eight; sections seventeen hundred and eighty to seventeen hundred and eighty-three, both inclusive; sections seventeen hundred and eighty-five, seventeen hundred and eighty-seven, seventeen hundred and eighty-eight, seventeen hundred and eighty-nine, twenty-three hundred and seventy-three, twenty-four hundred and twelve, thirty-five hundred and eighty-three, thirty-seven hundred and eight, thirty-seven hundred and thirty-nine, thirty-seven hundred and forty, thirty-seven hundred and forty-two, thirty-eight hundred and thirty-two,

thirty-eight hundred and fifty-one, thirty-eight hundred and sixty-nine, thirty-eight hundred and eighty-seven; sections thirty-eight hundred and ninety to thirty-eight hundred and ninety-four, both inclusive; section thirty-eight hundred and ninety-nine; sections thirty-nine hundred and twenty-two to thirty-nine hundred and twenty-five, both inclusive; sections thirty-nine hundred and forty-seven, thirty-nine hundred and fifty-four, thirty-nine hundred and seventy-seven, thirty-nine hundred and seventy-nine; sections thirty-nine hundred and eighty-one to thirty-nine hundred and eighty-six, both inclusive; sections thirty-nine hundred and eighty-eight, thirty-nine hundred and ninety-two, thirty-nine hundred and ninety-five, thirty-nine hundred and ninety-six, four thousand and thirteen, four thousand and sixteen, four thousand and thirty, four thousand and fifty-three, fifty-one hundred and eighty-eight, fifty-one hundred and eighty-nine; sections fifty-two hundred and eighty-one to fifty-two hundred and ninety-one, both inclusive; sections fifty-three hundred and twenty-three to fifty-three hundred and ninety-five, both inclusive; sections fifty-three hundred and ninety-eight to fifty-four hundred and ten, both inclusive; sections fifty-four hundred and thirteen to fifty-four hundred and eighty-four, both inclusive; sections fifty-four hundred and eighty-seven to fifty-five hundred and ten, both inclusive; sections fifty-five hundred and sixteen, fifty-five hundred and eighteen, fifty-five hundred and nineteen; sections fifty-five hundred and twenty-four to fifty-five hundred and thirty-five, both inclusive; sections fifty-five hundred and fifty-one to fifty-five hundred and sixty-seven, both inclusive, of the Revised Statutes:

That part of section thirty-eight hundred and twenty-nine of the Revised Statutes which reads as follows: "And every person who, without authority from the Postmaster-General, sets up or professes to keep any office or place of business bearing the sign, name, or title of post-office, shall, for every such offense, be liable to a penalty of not more than five hundred dollars;"

That part of section thirty-eight hundred and sixty-seven of the Revised Statutes which reads as follows: "And any person not connected with the letter-carrier branch of the postal service who shall wear the uniform which may be prescribed shall, for every such offense, be punishable by a fine of not more than one hundred dollars, or by imprisonment for not more than six months, or both;"

That part of section four thousand and forty-six of the Revised Statutes which reads as follows: "Every postmaster, assistant, clerk, or other person employed in or connected with the business or operations of any money-order office who converts to his own use, in any way whatever, or loans, or deposits in any bank, except as authorized by this title, or exchanges for other funds, any portion of the public money-order funds, shall be deemed guilty of embezzlement; and any such person, as well as every other person advising or participating therein, shall, for every such offense, be imprisoned for not less than six months nor more than ten years, and be fined in a sum equal to the amount embezzled; and any failure to pay over or produce any money-order funds intrusted to such person shall be taken to be prima facie evidence of embezzlement; and upon the trial of any indictment against any person for such embezzlement, it shall be prima facie evidence of a balance against him to produce a transcript from the money-order account books of the Sixth Auditor. But nothing herein contained shall be construed to prohibit any postmaster depositing, under the direction of the Postmaster-General, in a national bank designated by the Secretary of the Treasury for that purpose, to his own credit as postmaster, any money order or other funds in his charge, nor prevent his negotiating drafts or other evidences of debt through such bank, or through United

States disbursing officers, or otherwise, when instructed or required to do so by the Postmaster-General, for the purpose of remitting surplus money-order funds from one post-office to another, to be used in payment of money orders."

"An Act to protect lines of telegraph constructed or used by the United States from malicious injury and obstruction," approved June twenty-third, eighteen hundred and seventy-four;

"An Act to protect persons of foreign birth against forcible constraint or involuntary servitude," approved June twenty-third, eighteen hundred and seventy-four;

That part of "An Act making appropriations for the service of the Post Office Department for the fiscal year ending June thirtieth, eighteen hundred and seventy-five, and for other purposes," approved June twenty-third, eighteen hundred and seventy-four, which reads as follows: "That any postmaster who shall affix his signature to the approval of any bond of a bidder or to the certificate of sufficiency of sureties in any contract before the said bond or contract is signed by the bidder or contractor and his sureties, or shall knowingly, or without the exercise of due diligence, approve any bond of a bidder with insufficient sureties, or shall knowingly make any false or fraudulent certificate, shall be forthwith dismissed from office and be thereafter disqualified from holding the office of postmaster, and shall also be deemed guilty of a misdemeanor, and on conviction thereof be punished by a fine not exceeding five thousand dollars, or by imprisonment not exceeding one year, or both;"

Sections one, two, and three of "An Act to protect ornamental and other trees on Government reservations and on lands purchased by the United States, and for other purposes," approved March third, eighteen hundred and seventy-five;

"An Act to punish certain larcenies and the receivers of stolen goods," approved March third, eighteen hundred and seventy-five;

"An Act to amend section fifty-four hundred and fifty-seven of the Revised Statutes of the United States, relating to counterfeiting," approved January sixteenth, eighteen hundred and seventy-seven;

That part of section five of "An Act establishing post-roads, and for other purposes," approved March third, eighteen hundred and seventy-seven, which reads as follows: "And if any person shall make use of any such official envelope to avoid the payment of postage on his private letter, package, or other matter in the mail, the person so offending shall be deemed guilty of a misdemeanor and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction;"

That part of section one of "An Act making appropriations for the service of the Post-Office Department for the year ending June thirtieth, eighteen hundred and seventy-nine, and for other purposes," approved June seventeenth, eighteen hundred and seventy-eight, which reads as follows: "And any postmaster who shall make a false return to the auditor, for the purpose of fraudulently increasing his compensation under the provisions of this or any other Act, shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in a sum not less than fifty nor more than five hundred dollars, or imprisoned for a term not exceeding one year, or punished by both such fine and imprisonment, in the discretion of the court; and no postmaster of any class, or other person connected with the postal service, intrusted with the sale or custody of postage stamps, stamped envelopes, or postal cards, shall use or dispose of them in the payment of debts or in the purchase of merchandise or other salable articles, or pledge or hypothecate the same, or sell or dispose of them except for cash, or sell or dispose of postage stamps or postal cards for any

larger or less sum than the values indicated on their faces, or sell or dispose of stamped envelopes for a larger or less sum than is charged therefor by the Post-Office Department for like quantities, or sell or dispose of postage stamps, stamped envelopes, or postal cards otherwise than as provided by law and the regulations of the Post-Office Department; and any postmaster or other person connected with the postal service who shall violate any of these provisions shall be deemed guilty of a misdemeanor, and, on conviction thereof, shall be fined in any sum not less than fifty nor more than five hundred dollars, or imprisoned for a term not exceeding one year; ”

“An Act to amend section fifty-four hundred and ninety-seven of the Revised Statutes, relating to embezzlement by officers of the United States,” approved February third, eighteen hundred and seventy-nine;

That part of section one of “An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes,” approved March third, eighteen hundred and seventy-nine, which reads as follows: “That nothing contained in section thirty-nine hundred and eighty-two of the Revised Statutes shall be construed as prohibiting any person from receiving and delivering to the nearest post-office or postal car mail matter properly stamped.” Also sections thirteen, twenty-three, twenty-seven, and twenty-eight of said Act;

“An Act to amend section fifty-four hundred and forty of the Revised Statutes,” approved May seventeenth, eighteen hundred and seventy-nine;

Sections one, three, and four of “An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,” approved March twenty-second, eighteen hundred and eighty-two;

Sections eleven, twelve, thirteen, fourteen, and fifteen of “An Act to regulate and improve the civil service of the United States,” approved January sixteenth, eighteen hundred and eighty-three;

“An Act making it a felony for a person to falsely and fraudulently assume or pretend to be an officer or employee acting under authority of the United States or any department or officer thereof, and prescribing a penalty therefor,” approved April eighteenth, eighteen hundred and eighty-four;

“An Act to prevent and punish the counterfeiting within the United States of notes, bonds, or other securities of foreign governments,” approved May sixteenth, eighteen hundred and eighty-four;

Section nine of “An Act making appropriations for the current and contingent expenses of the Indian Department and for fulfilling treaty stipulations with various Indian tribes for the year ending June thirtieth, eighteen hundred and eighty-six, and for other purposes,” approved March third, eighteen hundred and eighty-five;

Section two of “An Act to amend the Act entitled ‘An Act to modify the money-order system, and for other purposes,’ approved March third, eighteen hundred and eighty-three,” approved January third, eighteen hundred and eighty-seven;

Sections three, four, five, nine, and ten of “An Act to amend an Act entitled ‘An Act to amend section fifty-three hundred and fifty-two of the Revised Statutes of the United States, in reference to bigamy, and for other purposes,’ approved March twenty-second, eighteen hundred and eighty-two,” approved March third, eighteen hundred and eighty-seven;

Section two of “An Act relating to permissible marks, printing or writing, upon second, third, and fourth class matter, and to amend the twenty-second and twenty-third sections of an Act entitled ‘An Act making appropriations

for the service of the Post-Office Department for the fiscal year ending June thirtieth, eighteen hundred and eighty, and for other purposes," approved January twentieth, eighteen hundred and eighty-eight;

"An Act to amend section fifty-three hundred and eighty-eight of the Revised Statutes of the United States in relation to timber depredations," approved June fourth, eighteen hundred and eighty-eight;

"An Act relating to postal crimes, and amendatory of the statutes therein mentioned," approved June eighteenth, eighteen hundred and eighty-eight;

"An Act amendatory of 'An Act relating to postal crimes and amendatory of the statutes therein mentioned,' approved June eighteenth, eighteen hundred and eighty-eight, and for other purposes," approved September twenty-sixth, eighteen hundred and eighty-eight;

"An Act to punish, as a felony, the carnal and unlawful knowing of any female under the age of sixteen years," approved February ninth, eighteen hundred and eighty-nine;

Sections one and two of "An Act to punish dealers and pretended dealers in counterfeit money and other fraudulent devices for using the United States mails," approved March second, eighteen hundred and eighty-nine;

Section one of "An Act to amend certain sections of the Revised Statutes relating to lotteries, and for other purposes," approved September nineteenth, eighteen hundred and ninety;

"An Act further to prevent counterfeiting or manufacture of dies, tools, or other implements used in counterfeiting, and providing penalties therefor, and providing for the issue of search warrants in certain cases," approved February tenth, eighteen hundred and ninety-one;

"An Act to amend sections fifty-three hundred and sixty-five and fifty-three hundred and sixty-six of the Revised Statutes relating to barratry on the high seas," approved August sixth, eighteen hundred and ninety-four;

Sections one and two of "An Act for the suppression of lottery traffic through national and interstate commerce and the postal service, subject to the jurisdiction and laws of the United States," approved March second, eighteen hundred and ninety-five;

"An Act to prohibit prize fighting and pugilism and fights between men and animals, and to provide penalties therefor in the Territories and the District of Columbia," approved February seventh, eighteen hundred and ninety-six;

That part of "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-five," approved August eighth, eighteen hundred and ninety-four, and that part of "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-six," approved March second, eighteen hundred and ninety-five, and that part of "An Act making appropriations for the Department of Agriculture for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven," approved April twenty-fifth, eighteen hundred and ninety-six, which reads as follows: "Any person who shall knowingly issue or publish any weather forecasts or warnings of weather conditions falsely representing such forecasts or warnings to have been issued or published by the Weather Bureau, United States Signal Service, or other branch of the government service, shall be deemed guilty of a misdemeanor, and, on conviction thereof, for each offense be fined in a sum not exceeding five hundred dollars, or imprisoned not to exceed ninety days, or be both fined and imprisoned, in the discretion of the court;"

That part of "An Act making appropriations for current and contingent expenses of the Indian Department and fulfilling treaty stipulations with various Indian tribes for the fiscal year ending June thirtieth, eighteen hundred and ninety-seven, and for other purposes," approved June tenth, eighteen hundred and ninety-six, which reads as follows: "*Provided further*, That hereafter it shall be unlawful for any person to destroy, deface, change, or remove to another place and [any?] section corner, quarter-section corner, or meander post on any Government line of survey, or to cut down any witness tree or any tree blazed to mark the line of a Government survey, or to deface, change, or remove any monument or bench mark of any Government survey. That any person who shall offend against any of the provisions of this paragraph shall be deemed guilty of a misdemeanor, and, upon conviction thereof in any court, shall be fined not exceeding two hundred and fifty dollars or be imprisoned not more than one hundred days. All the fines accruing under this paragraph shall be paid into the Treasury, and the informer in each case of conviction shall be paid the sum of twenty-five dollars;"

"An Act to reduce the cases in which the penalty of death may be inflicted," approved January fifteenth, eighteen hundred and ninety-seven;

"An Act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory," approved February eighth, eighteen hundred and ninety-seven;

"An Act to prevent forest fires on the public domain," approved February twenty-fourth, eighteen hundred and ninety-seven;

"An Act to prevent the purchasing of or speculating in claims against the Federal Government by United States officers," approved February twenty-fifth, eighteen hundred and ninety-seven;

"An Act to amend section fifty-four hundred and fifty-nine of the Revised Statutes, prescribing the punishment for mutilating United States coins, and for uttering or passing or attempting to utter or pass such mutilated coins," approved March third, eighteen hundred and ninety-seven;

Section eighteen of "An Act to amend the laws relating to navigation," approved March third, eighteen hundred and ninety-seven;

That part of section one of "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirteenth, eighteen hundred and ninety-nine," approved June thirteenth, eighteen hundred and ninety-eight, which reads as follows: "*Provided*, That any person or persons who shall place or cause to be placed any matter in the mails during the regular weighing period, for the purpose of increasing the weight of the mails with intent to cause an increase in the compensation of the railroad mail carrier over whose route such mail matter may pass, shall be deemed guilty of a misdemeanor, and shall on conviction thereof be fined not less than five hundred dollars nor more than twenty thousand dollars, and shall be imprisoned at hard labor not less than thirty days nor more than five years;"

Section seventeen of "An Act to provide revenue for the Government, and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven;

Section three of an Act entitled "An Act making appropriations for the service of the Post-Office Department for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes," approved March third, nineteen hundred and three;

"An Act to protect the harbor defenses and fortifications constructed or used by the United States from malicious injury, and for other purposes," approved July seventh, eighteen hundred and ninety-eight;

"An Act to amend an Act entitled 'An Act to prevent forest fires on the public domain,' approved February twenty-fourth, eighteen hundred and ninety-seven," approved May fifth, nineteen hundred;

Sections two, three, and four of "An Act to enlarge the powers of the Department of Agriculture, prohibit the transportation by interstate commerce of game killed in violation of local laws, and for other purposes," approved May twenty-fifth, nineteen hundred;

"An Act to prevent the sale of firearms, opium, and intoxicating liquors in certain islands of the Pacific," approved February fourteenth, nineteen hundred and two;

"An Act for the suppression of train robbery in the Territories of the United States and elsewhere, and for other purposes," approved July first, nineteen hundred and two;

"An Act conferring jurisdiction upon the circuit and district courts for the district of South Dakota in certain cases, and for other purposes," approved February second, nineteen hundred and three;

"An Act to amend section three of the 'Act further to prevent counterfeiting or manufacturing of dies, tools, or other implements used in manufacturing,' and so forth, approved February tenth, eighteen hundred and ninety-one," approved March third, nineteen hundred and three;

"An Act for the protection of the Bull Run Forest Reserve and the sources of the water supply of the city of Portland, State of Oregon," approved April twenty-eighth, nineteen hundred and four;

"An Act to amend the Act of February eighth, eighteen hundred and ninety-seven, entitled 'An Act to prevent the carrying of obscene literature and articles designed for indecent and immoral use from one State or Territory into another State or Territory,' so as to prevent the importation and exportation of the same," approved February eighth, nineteen hundred and five;

"An Act to amend section thirteen of chapter three hundred and ninety-four of the Supplement to the Revised Statutes of the United States," approved March second, nineteen hundred and five;

Section five of "An Act to amend sections forty-four hundred and seventeen, forty-four hundred and fifty-three, forty-four hundred and eighty-eight, and forty-four hundred and ninety-nine of the Revised Statutes relating to misconduct by officers or owners of vessels," approved March third, nineteen hundred and five;

"An Act to punish the cutting, chipping, or boxing of trees on the public lands," approved June fourth, nineteen hundred and six.

Sections sixteen, seventeen, and nineteen of "An Act to establish a bureau of immigration and naturalization, and to provide for a uniform rule for the naturalization of aliens throughout the United States," approved June twenty-ninth, nineteen hundred and six.

An Act entitled "An Act to prohibit corporations from making money contributions in connection with political elections," approved January twenty-sixth, nineteen hundred and seven.

An Act entitled "An Act to amend sections one, two, and three of an Act entitled 'An Act to prohibit shanghaiing in the United States,' approved June twenty-eighth, nineteen hundred and six," approved March second, nineteen hundred and seven.

An Act entitled "An Act to promote the safe transportation in interstate commerce of explosives and other dangerous articles, and to provide penalties for its violation," approved May thirtieth, nineteen hundred and eight.

An Act entitled An "Act to amend section fifty-four hundred and

thirty-eight of the Revised Statutes," approved May thirtieth, nineteen hundred and eight.

Also all other sections and parts of sections of the Revised Statutes and Acts and parts of Acts of Congress, in so far as they are embraced within and superseded by this Act, are hereby repealed; the remaining portions thereof to be and remain in force with the same effect and to the same extent as if this Act had not been passed. [35 Stat. L. 1153-1159.]

See the table at the close of this Act giving the location in Federal Statutes, Annotated, of the Revised Statutes sections and the Acts and parts of Acts repealed.

SEC. 342. [*Accrued rights, etc., not affected.*] The repeal of existing laws or modifications thereof embraced in this title shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause prior to said repeal or modifications, but all liabilities under said laws shall continue and may be enforced in the same manner as if said repeal or modifications had not been made. [35 Stat. L. 1159.]

SEC. 343. [*Prosecutions and punishments.*] All offenses committed, and all penalties, forfeitures, or liabilities incurred prior to the taking effect hereof, under any law embraced in, or changed, modified, or repealed by this title, may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed. [35 Stat. L. 1159.]

SEC. 344. [*Acts of limitation.*] All acts of limitation, whether applicable to civil causes and proceedings, or for the recovery of penalties or forfeitures, embraced in, modified, changed, or repealed by this title, shall not be affected thereby; and all suits or proceedings for causes arising or acts done or committed prior to the taking effect hereof may be commenced and prosecuted within the same time and with the same effect as if said repeal had not been made. [35 Stat. L. 1159.]

SEC. 345. [*Date this Act shall be effective.*] This Act shall take effect and be in force on and after the first day of January, nineteen hundred and ten. [35 Stat. L. 1159.]

The sections of the Revised Statutes and the Acts and parts of Acts repealed by section 341 are found in this work as indicated below:

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[Act of April 24, 1906, ch. 1862.]

[SEC. 1.] [Age made permanent specific disability.] * * * That the age of sixty-two years and over shall be considered a permanent specific disability within the meaning of the pension laws. [34 Stat. L. 133.]

This paragraph is from the Pension Appropriation Act of April 24, 1906, ch. 1862.

This provision is repeated in the Pension Appropriation Act of March 4, 1907, ch. 2920, 34 Stat. L. 1406.

An Act Granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico.

[Act of Feb. 6, 1907, ch. 468, 34 Stat. L. 879.]

[SEC. 1.] [*Pensions — allowed at age of 62 for service in civil and Mexican wars — rating — present pensioners and applicants entitled — double pensions prohibited — restriction.*] That any person who served ninety days or more in the military or naval service of the United States during the late civil war or sixty days in the war with Mexico, and who has been honorably discharged therefrom, and who has reached the age of sixty-two years or over, shall, upon making proof of such facts according to such rules and regulations as the Secretary of the Interior may provide, be placed upon the pension roll, and be entitled to receive a pension as follows: In case such person has reached the age of sixty-two years, twelve dollars per month; seventy years, fifteen dollars per month; seventy-five years or over, twenty dollars per month; and such pension shall commence from the date of the filing of the application in the Bureau of Pensions after the passage and approval of this Act: *Provided*, That pensioners who are sixty-two years of age or over, and who are now receiving pensions under existing laws, or whose claims are pending in the Bureau of Pensions, may, by application to the Commissioner of Pensions in such form as he may prescribe, receive the benefits of this Act; and nothing herein contained shall prevent any pensioner or person entitled to a pension from prosecuting his claim and receiving a pension under any other general or special Act: *Provided*, That no person shall receive a pension under any other law at the same time or for the same period that he is receiving a pension under the provisions of this Act: *Provided further*, That no person who is now receiving or shall hereafter receive a greater pension under any other general or special law than he would be entitled to receive under the provisions herein shall be pensionable under this Act. [34 Stat. L. 879.]

SEC. 2. [*Rank in service not considered.*] That rank in the service shall not be considered in applications filed hereunder. [34 Stat. L. 879.]

SEC. 3. [*Agents not entitled to compensation.*] That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in presenting any claim to the Bureau of Pensions, or securing any pension, under this Act. [34 Stat. L. 879.]

Extension of benefits of this Act, see provision from the Pension Appropriation Act of March 4, 1907, ch. 2920, immediately following.

[*Benefits of Act of Feb. 6, 1907, extended.*] * * * That the benefits of the Act of February sixth, nineteen hundred and seven, entitled "An Act granting pensions to certain enlisted men, soldiers, and officers who served in the civil war and the war with Mexico," are hereby extended to include any person who served the period of time therein specified during the late civil war or in the war with Mexico and who is now or may hereafter become entitled to pension under the Acts of June twenty-seventh, eighteen hundred and ninety, February fifteenth, eighteen hundred and ninety-five, and the joint resolution of July first, nineteen hundred and two, or the Acts of January twenty-ninth, eighteen hundred and eighty-seven, March third, eighteen hundred and ninety-one, and February seventeenth, eighteen hundred and ninety-seven. [34 Stat. L. 1406.]

[SEC. 1.] [*Pension attorneys, etc. — penalty for receiving, etc., pay for securing special legislation.*] * * * That no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension; and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned not exceeding two years, or both, in the discretion of the court. [34 Stat. L. 1407.]

This is from the Pension Appropriation Act of March 4, 1907, ch. 2920.

Joint Resolution Amending section two of joint resolution approved July first, nineteen hundred and two, construing the Act of June twenty-seventh, eighteen hundred and ninety, and for other purposes.

[Joint Resolution No. 39 of June 28, 1906, 34 Stat. L. 836.]

[*Disability, etc., pensions — effect of final honorable discharge — extended to officers.*] That section two of joint resolution approved July first, nineteen hundred and two, be amended to read as follows:

"SEC. 2. That in the administration of the pension laws any enlisted man or commissioned officer of the Army, including regulars, volunteers, and militia, or any appointed or enlisted man or commissioned officer of the Navy or Marine Corps, who was honorably discharged from any subsequent contract of service entered into by him during the late war of the rebellion, shall be held and considered to have been honorably discharged from all previous contracts of service as commissioned officer or enlisted man previously entered into by him with the United States during said war: *Provided*, That such enlisted or appointed man or commissioned officer served not less than six months under any subsequent enlistment, appointment, or commission; that his entire service under any said subsequent enlistment, appointment, or commission was faithful, and that he did not receive by reason of said enlistment, appointment, or commission any bounty or gratuity other than from the United States in excess of that to which he would have been entitled if he had continued to serve faithfully until honorably discharged under any contract of service previously entered into by him, either in the Army, Navy, or Marine Corps, during the war of the rebellion." [34 Stat. L. 836.]

The Joint Resolution of July 1, 1902, here amended, is given in 5 Fed. Stat. Annot. 618.

An Act To increase the pension of widows, minor children, and so forth, of deceased soldiers and sailors of the late civil war, the war with Mexico, the various Indian wars, and so forth, and to grant a pension to certain widows of the deceased soldiers and sailors of the late civil war.

[Act of Aug. 19, 1908, ch. 147, 35 Stat. L. 64.]

[SEC. 1.] [*Increase of pensions to widows and minors.*] That from and after the passage of this Act the rate of pension for widows, minor children under the age of sixteen years, and helpless minors as defined by existing laws, now on the roll or hereafter to be placed on the pension roll and entitled to receive a less rate than hereinafter provided, shall be twelve dollars per month;

and nothing herein shall be construed to affect the existing allowance of two dollars per month for each child under the age of sixteen years and for each helpless child; and all Acts or parts of Acts inconsistent with the provisions of this Act are hereby repealed: *Provided, however*, That this Act shall not be so construed as to reduce any pension under any Act, public or private. [35 Stat. L. 64.]

SEC. 2. [*Widows of soldiers and sailors who served 90 days, etc.*] That if any officer or enlisted man who served ninety days or more in the Army or Navy of the United States during the late civil war and who has been honorably discharged therefrom has died or shall hereafter die, leaving a widow, such widow shall, upon due proof of her husband's death, without proving his death to be the result of his army or navy service, be placed on the pension roll from the date of the filing of her application therefor under this Act at the rate of twelve dollars per month during her widowhood, provided that said widow shall have married said soldier or sailor prior to June twenty-seventh, eighteen hundred and ninety; and the benefits of this section shall include those widows whose husbands if living would have a pensionable status under the Joint Resolutions of February fifteenth, eighteen hundred and ninety-five, July first, nineteen hundred and two, and June twenty-eighth, nineteen hundred and six. [35 Stat. L. 64.]

The Joint Resolution of Feb. 15, 1895, is given in 5 Fed. Stat. Annot. 648; that of July 1, 1902, is given in 5 Fed. Stat. Annot. 618; that of June 28, 1906, *supra*, p. 508.

SEC. 3. [*Attorneys', etc., fees restricted.*] That no claim agent or attorney shall be recognized in the adjudication of claims under the first section of this Act, and that no agent, attorney, or other person engaged in preparing, presenting, or prosecuting any claim under the provisions of the second section of this Act shall, directly or indirectly, contract for, demand, receive, or retain for such services in preparing, presenting, or prosecuting such claim a sum greater than ten dollars, which sum shall be payable only upon the order of the Commissioner of Pensions by the pension agent making payment of the pension allowed; and any person who shall violate any of the provisions of this section or who shall wrongfully withhold from the pensioner or claimant the whole or any part of a pension or claim allowed or due such pensioner or claimant under this Act shall be deemed guilty of a misdemeanor, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or be imprisoned at hard labor not exceeding two years, or both, in the discretion of the court. [35 Stat. L. 64.]

[*Permanent appropriation for trusses repealed.*] * * * So much of section eleven hundred and seventy-eight of the Revised Statutes of the United States as makes a permanent indefinite appropriation to purchase trusses for soldiers is repealed, to take effect after June thirtieth, nineteen hundred and nine, and estimates of sufficient sums for the purchase of such trusses shall be submitted to Congress for the fiscal year nineteen hundred and ten, and annually thereafter, in the regular Book of Estimates. [35 Stat. L. 367.]

This is from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200. For R. S. sec. 1178, see 5 Fed. Stat. Annot. 700.

[*Soldiers' homes, etc. — payments to inmates of, direct.*] * * * That from and after the passage of this Act all pensioners who may be inmates of any soldiers' and sailors' home, or other institution maintained by any State for the benefit of dependent or other disabled volunteer soldiers, shall have their respective pensions paid to them directly instead of to the treasurer or other officer of the home or institution at which they may be respectively located. [35 Stat. L. 419.]

This and the paragraph following are from the Pension Appropriation Act of May 28, 1908, ch. 208.

[*Examining surgeons — increase of fee — examinations — fees for, if made at claimant's residence — traveling expenses — personal presence required — ratings to be specifically stated, etc. — inspection of reports, etc. — penalty for attempting to secure special legislation.*] * * * For fees and expenses of examining surgeons, pensions, for services rendered within the fiscal year nineteen hundred and nine, five hundred thousand dollars. And hereafter each member of each examining board shall receive the sum of three dollars for the examination of each applicant whenever five or a less number shall be examined on any one day and one dollar for the examination of each additional applicant on such day: *Provided*, That if twenty or more applicants appear on one day no fewer than twenty shall, if practicable, be examined on said day, and that if fewer examinations be then made, twenty or more having appeared, then there shall be paid for the first examinations made on the next examination day the fee of one dollar only until twenty examinations shall have been made, and the fee shall be three dollars when the examination is made by one surgeon, and the fee for each examination at the claimant's residence provided his residence is outside of the corporate limits of the place of the regular meeting of the examining board or of the place of residence of the surgeon, making the examination shall be five dollars in addition to the payment of the actual traveling expenses of the surgeon: *Provided further*, That no fee shall be paid to any member of an examining board unless personally present and assisting in the examination of applicant: *And provided further*, That the report of such examining surgeons shall specifically state the rating which in their judgment the applicant is entitled to, and the report of such examining surgeons shall specifically and accurately set forth the physical condition of the applicant, each and every existing disability being fully and carefully described. The reports of the special examiners of the Bureau of Pensions shall be open to inspection and copy by the applicant or his attorney, under such rules and regulations as the Secretary of the Interior may prescribe: *And provided further*, That hereafter no pension attorney, claim agent, or other person shall be entitled to receive any compensation for services rendered in securing the introduction of a bill or the passage thereof through Congress granting pension or increase of pension, and any person who shall, directly or indirectly, contract for, demand, receive, or retain any compensation for such services shall be deemed guilty of an offense, and upon conviction thereof shall, for each and every such offense, be fined not exceeding five hundred dollars or imprisoned not exceeding two years, or both, in the discretion of the court. [35 Stat. L. 419.]

A like provision, except for the word "hereafter," is contained in the Pension Appropriation Act of April 24, 1906, ch. 1862, 34 Stat. L. 133.

An Act Pensioning the surviving officers and enlisted men of the Texas volunteers employed in the defense of the frontier of that State against Mexican marauders and Indian depredations from eighteen hundred and fifty-five to eighteen hundred and sixty, inclusive, and for other purposes.

[Act of May 30, 1908, ch. 230, 35 Stat. L. 553.]

[*Indian wars — pensions for service in, extended to Texas volunteers, etc. — surviving widows included — proofs — contracts with attorneys.*] That the provisions, limitations, and benefits of an Act entitled "An Act granting pensions to survivors of the Indian wars of eighteen hundred and thirty-two to eighteen hundred and forty-two, inclusive, known as the Black Hawk war, Creek war, Cherokee disturbances, and the Seminole war," approved July twenty-seventh, eighteen hundred and ninety-two, be, and the same are hereby, extended from the date of the passage of this Act to the surviving officers and enlisted men of the Texas volunteers who served in the defense of the frontier of that State against Mexican marauders and Indian depredations from the year eighteen hundred and fifty-five to the year eighteen hundred and sixty, inclusive; and also to include the surviving widows of such of said officers and enlisted men: *Provided*, That such widows have not remarried: *Provided further*, That where there is no record of enlistment or muster into the service of the United States in the service mentioned in this Act the fact of reimbursement to Texas by the United States, as evidenced by the muster rolls and vouchers on file in the War Department, shall be accepted as full and satisfactory proof of such enlistment and service: *And provided further*, That all contracts heretofore made between the beneficiaries under this Act and pension attorneys and claim agents are hereby declared null and void. [35 Stat. L. 553.]

The Act of July 27, 1892, above mentioned, is set forth in 5 Fed. Stat. Annot. 659.

[*Additional, because of helpless child — prior rate to widow not affected.*] * * * That when an additional pension has been, or may hereafter be, granted by special act to a widow or guardian on account of a helpless child, such additional pension shall in no wise affect the rate of pension the widow may be entitled to independent of such additional allowance. [35 Stat. L. 1058.]

This and the three paragraphs following are from the Pension Appropriation Act of March 4, 1909, ch. 302.

[*Clerk hire at agencies — salaries.*] * * * That the amount of clerk hire and other services for each agency shall be apportioned as nearly as practicable in proportion to the number of pensioners paid at each agency, and the salaries paid shall be subject to the approval of the Secretary of the Interior. [35 Stat. L. 1058.]

[*Franked envelopes for pensioners.*] That the Secretary of the Interior shall hereafter furnish free to all pensioners franked or penalty envelopes, properly addressed, to be used by said pensioners only for the return of their pension vouchers. [35 Stat. L. 1058.]

A like provision, except for the word "hereafter," occurs in the Pension Appropriation Act of May 28, 1908, ch. 208, 35 Stat. L. 1058.

[*Reimbursement for burial, etc., expenses.*] * * * That hereafter the settlement of all claims for the reimbursement of expenses of the last sickness and burial of deceased pensioners shall be under the direction of the Commissioner of Pensions. [35 Stat. L. 1058.]

PEONAGE.

See *PENAL LAWS*.

PERJURY.

See *PENAL LAWS*.

PHILIPPINE ISLANDS.

Act of June 23, 1906, Ch. 3521, 513.

Sec. 1. Philippine Coinage—Change in Weight and Fineness, Silver Coins—Subsidiary Coins—Minimum Fineness, 513.

2. *Silver Certificates, 513.*

Issue of Certificates for Pesos Deposited—Substitution of United States Gold for Reserve—Maximum Amount, 513.

Act of April 29, 1908, Ch. 162, 514.

Sec. 1. Inter island Traffic—Power to Regulate, Granted Temporarily to Philippine Government, 514.

2. *Tonnage Tax on Foreign Vessels to United States, 514.*

3. *Restrictions on Foreign Vessels Removed, 514.*

4. *Licenses to Harbor Vessels, 514.*

5. *Philippine Government to Enforce Navigation Laws, 514.*

6. *Repeal, 514.*

Act of May 11, 1908, Ch. 164, 515.

Sec. 1. Philippine Commission—Additional Member of, Authorized, 515.

2. *New Executive Department Created, 515.*

Act of Feb. 27, 1909, Ch. 227, 515.

Annual Sessions of Legislature—Date, etc., of—Provisions for Governmental Expenses, 515.

CROSS-REFERENCES.

Authentication of Invoices of Merchandise Shipped to United States from, see CUSTOMS DUTIES.

Cadets in Military Academy, see MILITARY ACADEMY.

Public Documents for Library in Manila, see PUBLIC DOCUMENTS.

War Department and Military Establishment, see that title.

Validity and effect of ratification of collection of tariff duties in Philippine Islands.—The ratification declared by the Act of June 30, 1906, ch. 3912, was within the power of Congress, and effectually bars a recovery by the payer of tariff duties collected in the Philippine Islands under order of the President of the United States prior to the enactment by Congress of a system of tariff duties for those islands. And it is immaterial that a suit for the recovery of the duties in question was actually pending at the time when this ratifying statute was enacted, since the rights of the litigants are to be determined by the law as it stands, not when the suit was brought, but when the payment is rendered. *U. S. v. Heinanen*, (1907) 206 U. S. 370, 11 Ann. Cas. 688, reversing 42 Ct. Cl. 58.

The Philippine Tariff Act of Aug. 5, 1909, which supersedes the Act of Feb. 28, 1906, ch. 509, given in the 1907 Supplement to Federal Statutes Annotated, is contained in the Appendix to this volume.

An Act To amend an Act approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands."

[Act of June 23, 1906, ch. 3521, 34 Stat. L. 453.]

[SEC. 1.] [*Philippine coinage — change in weight and fineness, silver coins — subsidiary coins — minimum fineness.*] That, with the approval of the President of the United States, the government of the Philippine Islands is hereby authorized, whenever in its opinion such action is desirable, in order to carry out the provisions of section six of the Act approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," to change the weight and fineness of the silver coins authorized by said Act, and may in its discretion provide a weight and fineness proportionately less for subsidiary coins than for the standard Philippine pesos, and may also in its discretion recoin any of the existing coins of the Philippine Islands at the new weight and fineness when such coins are received into the Treasury or into the gold standard fund of the Philippine Islands: *Provided*, That the weight and fineness of the silver peso to be coined in accordance with the provisions of this section shall not be reduced below seven hundred parts of pure silver to three hundred of alloy. [34 Stat. L. 453.]

For sec. 6 of the Act of March 2, 1903, above referred to, see 10 Fed. Stat. Annot. 262.

SEC. 2. [*Silver certificates.*] That section eight of an Act of Congress approved March second, nineteen hundred and three, entitled "An Act to establish a standard of value and to provide for a coinage system in the Philippine Islands," as amended by section ten of an Act approved February sixth, nineteen hundred and five, is hereby further amended to read as follows:

For sec. 8 of the Act of March 2, 1903, as amended, see 10 Fed. Stat. Annot. 263.

"SEC. 8. [*Issue of certificates for pesos deposited — substitution of United States gold for reserve — maximum amount.*] That the treasurer of the Philippine Islands is hereby authorized, in his discretion, to receive at the treasury of the government of the said islands or any of its branches deposits of the standard silver coins of one peso authorized by this Act to be coined, in sums of not less than twenty pesos, Philippine currency, and to issue certificates therefor in denominations of not less than two pesos nor more than five hundred pesos, and coin so deposited shall be retained in the treasury and held for the payment of such certificates on demand, and used for no other purpose. Such certificates shall be receivable for customs, taxes, and for all public dues in the Philippine Islands, and when so received may be reissued, and when held by any banking association in said islands may be counted as a part of its lawful reserve: *Provided*, That the treasurer of the Philippine Islands, with the approval of the governor-general, may substitute for any part of such silver pesos hereafter deposited, gold coin of the United States legally equivalent in value, and redeem the certificates hereafter issued in either silver pesos or such gold coin of equivalent value at the option of the Treasurer: *Provided further*, That the amount of gold coin held in such reserve shall not at any time exceed sixty per centum of the total amount of certificates outstanding." [34 Stat. L. 453.]

An Act To repeal an Act approved April thirtieth, nineteen hundred and six, entitled "An Act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Archipelago, between ports or places in the Philippine Archipelago, and for other purposes," and for other purposes.

[Act of April 29, 1906, ch. 152, 35 Stat. L. 70.]

[SEC. 1.] [*Inter-island traffic — power to regulate, granted temporarily to Philippine government.*] That until Congress shall have authorized the registry as vessels of the United States of vessels owned in the Philippine Islands, the government of the Philippine Islands is hereby authorized to adopt, from time to time, and enforce regulations governing the transportation of merchandise and passengers between ports or places in the Philippine Archipelago. [35 Stat. L. 70.]

SEC. 2. [*Tonnage tax on foreign vessels to United States.*] That on and after the passage of this Act the same tonnage taxes shall be levied, collected, and paid upon all foreign vessels coming into the United States from the Philippine Islands which are required by law to be levied, collected, and paid upon vessels coming into the United States from foreign countries. [35 Stat. L. 70.]

SEC. 3. [*Restrictions on foreign vessels removed.*] That the provisions of law restricting to vessels of the United States the transportation of passengers and merchandise directly or indirectly from one port of the United States to another port of the United States shall not be applicable to foreign vessels engaging in trade between the Philippine Islands and the United States. [35 Stat. L. 70.]

SEC. 4. [*Licenses to harbor vessels.*] That the Philippine Commission shall be authorized and empowered to issue licenses to engage in lightering or other exclusively harbor business to vessels or other craft actually engaged in such business at the date of the passage of this Act and to vessels or other craft built in the Philippine Islands or in the United States and owned by citizens of the United States or by inhabitants of the Philippine Islands. [35 Stat. L. 70.]

SEC. 5. [*Philippine government to enforce navigation laws.*] That such of the navigation laws of the United States as are in force in the Philippine Islands in regard to vessels arriving in the Philippine Islands from the mainland territory and other insular possessions of the United States shall continue to be administered by the proper officials of the government of the Philippine Islands. [35 Stat. L. 70.]

SEC. 6. [*Repeal.*] That the Act entitled "An Act to regulate shipping in trade between ports of the United States and ports or places in the Philippine Islands, between ports or places in the Philippine Islands, and for other purposes," approved April thirtieth, nineteen hundred and six, and all laws and parts of laws in conflict with the provisions of this Act, are hereby repealed. [35 Stat. L. 70.]

The Act of April 30, 1906, above repealed, is set forth in the 1907 Supplement to Fed. Stat. Annot., p. 261.

An Act To increase the membership of the Philippine Commission by one member, and for other purposes.

[Act of May 11, 1908, ch. 164, 35 Stat. L. 125.]

[SEC. 1.] [*Philippine Commission—additional member of, authorized.*] That the number of Commissioners constituting the Philippine Commission is hereby increased by one additional member, making the Commission consist of nine members. Said additional member shall be appointed by the President, by and with the advice and consent of the Senate, and shall receive the same salary and emoluments as is now, or may hereafter, be prescribed by law. [35 Stat. L. 125.]

SEC. 2. [*New executive department created.*] That the President is hereby authorized in his discretion to create by Executive order, and name, a new executive department in the Philippine government, and to embrace therein such existing bureaus as he may designate in the order; and in his appointment of any commission member he shall specify in his message to the Senate the department, if any, of which the appointee shall be the secretary. [35 Stat. L. 125.]

An Act To amend an Act approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes."

[Act of Feb. 27, 1909, ch. 227, 35 Stat. L. 659.]

[*Annual sessions of legislature—date, etc., of—provisions for governmental expenses.*] That the third paragraph of the seventh section of the Act entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes," approved July first, nineteen hundred and two, is hereby amended to read as follows:

"SEC. 7. The legislature shall hold annual sessions, commencing on the first Monday of February in each year and continuing not exceeding ninety days thereafter (Sundays and holidays not included) and the first meeting of the legislature shall be held upon the call of the governor within ninety days after the first election: *Provided*, That the Philippine Legislature after its first meeting as herein provided may by law fix a date other than the first Monday of February in each year for the commencement of its annual sessions: *And provided further*, That if at the termination of any session the appropriations necessary for the support of government shall not have been made, an amount equal to the sums appropriated in the last appropriation bills for such purposes shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid." [35 Stat. L. 659.]

For sec. 7 of the Act of July 1, 1902, here amended, see 5 Fed. Stat. Annot. 720.

PIRACY.

See *PENAL LAWS.*

POLYGAMY.

See *PENAL LAWS*.

PORTO RICO.

Act of June 11, 1906, Ch. 3075, 516.

Sec. 1. Construction of Wharves, etc., Authorized, 516.

2. Import of the Word "Person," 517.

3. Restrictions — Time Limit for Construction, etc. — Right to Purchase Improvements Reserved — Payment of Original Cost — Commission to Determine Value — Selection of Referee — Maximum Purchase Price — Failure to Select Referee — Authorizations Subject to Amendment, etc. — Wharfage Fees, etc. — Dredging — Time of Construction — Extension of Time — Accounts — Subletting, etc., Restricted — Rights of United States Vessels — Further Restriction, 517.

4. Grantee Must Control Shore End Approaches — Plans, etc., 518.

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CROSS-REFERENCES.

Experiment Stations in, see AGRICULTURE.

Leaves of Absence to Employees of Experiment Stations in, see AGRICULTURE.

Salary of Resident Commissioner, see CONGRESS.

Internal Revenue Stamps, see INTERNAL REVENUE.

An Act To empower the Secretary of War, under certain restrictions, to authorize the construction, extension, and maintenance of wharves, piers, and other structures on lands underlying harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto.

[*Act of June 11, 1906, ch. 3075, 34 Stat. L. 234.*]

[*Sec. 1.*] [*Construction of wharves, etc., authorized.*] That the Secretary of War be, and he is hereby, empowered, subject to the restrictions and under the conditions hereinafter mentioned, to authorize the construction, extension, and maintenance of any wharf, pier, dolphin, boom, weir, breakwater, sea wall, bulkhead, jetty, or other structure on any of the lands belonging to the United States which underlie the harbor areas and navigable streams and bodies of waters in or surrounding Porto Rico and the islands adjacent thereto and the filling in and dredging of such lands. [*34 Stat. L. 234.*]

SEC. 2. [*Import of the word "person."*] That the word "person" as used in this Act shall be construed to import either the singular or the plural, as the case demands, and shall include individuals, municipalities, quasi-municipal corporations, corporations, companies, and associations. [34 Stat. L. 234.]

SEC. 3. [*Restrictions — time limit for construction, etc. — right to purchase improvements reserved — payment of original cost — commission to determine value — selection of referee — maximum purchase price — failure to select referee — authorizations subject to amendment, etc. — wharfage fees, etc. — dredging — time of construction — extension of time — accounts — subletting, etc., restricted — rights of United States vessels — further restriction.*] That the powers granted in the foregoing sections shall be subject, however, to the following restrictions:

(a) No authorization to any person to construct, extend, or maintain any such structure shall continue for a longer period than the period set forth in such authorization, and shall provide that the Government of the United States or with the approval of the Secretary of War the government of Porto Rico shall have the right at any time after the expiration of thirty years from the date of such authorization, and after three months' notice, to take any such structure from the owner thereof upon paying the value of the same at the time it shall be so taken, and the amount paid shall not exceed the original cost of the same as may be fixed under paragraph (f) hereof. In case the Government of the United States or the government of Porto Rico, exercising the right of purchase as aforesaid should claim that the value of the structure when seized and taken is less than its original cost, the extent of deterioration or diminution from the original value shall be determined by a board or commission of four members, two of whom shall be appointed by the Secretary of War for the Government of the United States or by the Governor of Porto Rico for the government of Porto Rico as the case may be and two by the owner of such structure. If the four members thus chosen and appointed shall not be able to agree, they shall choose by mutual agreement a referee, whose decision shall be final, but in no case shall the amount to be paid exceed the original cost as fixed under the provisions of said paragraph (f). If the four members thus chosen and appointed are unable by mutual agreement to select a referee, then the Chief of Engineers of the United States Army shall be the referee, and his decision shall be final. All authorizations granted by the Secretary of War for any such construction, extension, or maintenance

(b) Shall be subject to alteration, amendment, or repeal by Congress;

(c) Shall provide that the wharfage fees and charges for vessels, for passengers, and for goods loaded or discharged on, from, at, or over any such structure, and for approach and entry to any such structure, shall be no greater than are just, reasonable, and fairly remunerative, and for that purpose shall at all times be subject to regulation and revision by the said Secretary of War; that such fees and charges shall be the same for all persons, and all persons shall have equal right to approach, enter, and use the said structure, subject to such reasonable rules and regulations as the grantee thereof may establish, all of which rules and regulations shall be subject to revision by the Secretary of War;

(d) That all necessary dredging in or in connection with the said structure, or the use thereof, shall be made by the grantee of the authorization;

(e) That such authorization shall be null and void unless actual construction shall be commenced within one year from the date of such authorization by the Secretary of War, and completed within three years from the date of

such authorization, or within such lesser periods as may be therein fixed: *Provided*, That the Secretary of War may for due cause shown extend the time for the completion of such construction for a reasonable period.

(f) That duly verified accounts of expenditure for the construction, extension, or improvement of such structure shall be exhibited to, and filed with, the United States army engineer at the city of San Juan, Porto Rico, who shall report to the Secretary of War the entire cost of such structure, extension, or improvement to be built under such authorization.

(g) That the said structure shall not be sublet, sold, transferred, or assigned, nor shall the authorization therefor be granted, sold, transferred, or assigned without the consent of the Secretary of War, nor in any case to a person engaged, directly or indirectly, in the same line of business, in the same harbor area, navigable stream, or body of water, and that any grant, subletting, sale, transfer, or assignment in violation hereof shall be null and void;

(h) That any and all vessels owned or chartered by the United States Government shall in case of any emergency, or in time of war, have prior right, free of charge, to the use of any such structure; and

(i) Shall contain such further restrictions as the Secretary of War may see fit to impose therein. [34 Stat. L. 235.]

SEC. 4. [*Grantee must control shore end approaches — plans, etc.*] That no such authorization by the Secretary of War shall be granted to any person unless the applicant therefor shall first furnish to the Secretary of War satisfactory proof either that he (or it) is the owner or lessee of the approaches to the shore end of the proposed structure, with the right to use the same in connection therewith, or that he (or it) is the owner of a franchise granting the right to use said approaches in connection with such proposed structure. Every application to the Secretary of War for any such authorization shall be accompanied by plans and specifications for such structure, extension, or improvement, which said plans and specifications shall be submitted to, and approved by, the Chief of Engineers of the United States Army before the granting of any such authorization by the Secretary of War, and such plans and specifications shall not be deviated from in any such structure, extension, or improvement without the written consent, first obtained, of the said Chief of Engineers. [34 Stat. L. 236.]

SEC. 5. [*Prior rights not affected.*] That nothing herein contained shall be so construed as to affect legal or equitable rights, if any, existing at the date of the approval of this Act which were acquired by the government of Porto Rico or other party under any contract, lease or license, for the construction, extension, improvement, or maintenance of any such structure, granted by the United States authorities prior to the approval of this Act. [34 Stat. L. 236.]

An Act Defining the qualifications of jurors for service in the United States district court in Porto Rico.

[Act of June 25, 1906, ch. 3542, 34 Stat. L. 466.]

[*Jurors in federal courts — qualifications — exemptions — selection.*] That the qualifications of jurors as fixed by the local laws of Porto Rico shall not apply to jurors selected to serve in the district court of the United States for Porto Rico, but that the qualifications required of jurors in said court shall be that each shall be of the age of twenty-one years and not over sixty-five years, a resident of Porto Rico for not less than one year, and having a sufficient

knowledge of the English language to enable him to duly serve as a juror: *Provided*, That the exemption from jury duty allowed by the local law shall be respected by the court when insisted upon by veniremen: *And provided further*, That the juries for said court shall always be selected and drawn in accordance with the laws of Congress regulating the same in the United States courts. [34 Stat. L. 466.]

An Act Fixing the status of the Porto Rico Provisional Regiment of Infantry.

[Act of May 27, 1908, ch. 201, 35 Stat. L. 392.]

[SEC. 1.] [*Porto Rico Provisional Regiment of Infantry — name changed — composition.*] That on and after the thirtieth day of June, nineteen hundred and eight, the Porto Rico Provisional Regiment of Infantry shall be designated the Porto Rico Regiment of Infantry of the United States Army. It shall be composed of the two existing battalions of the Porto Rico Provisional Regiment of Infantry. [35 Stat. L. 392.]

SEC. 2. [*Field officers.*] That the field officers of said regiment shall be one lieutenant-colonel and two majors, who shall be detailed for four years by the President from officers not below the rank of captain of the Army. [35 Stat. L. 392.]

SEC. 3. [*Captains and lieutenants.*] That the present captains and lieutenants of the Porto Rico Provisional Regiment of Infantry appointed or who were reappointed after a mental, physical, and professional examination, may be recommissioned as officers of the Porto Rico Regiment of Infantry. [35 Stat. L. 392.]

SEC. 4. [*Vacancies in grade of second lieutenant.*] That vacancies in the grade of second lieutenant may be filled by the President in his discretion by the appointment of citizens of Porto Rico whose qualifications for commissions shall be established by examination. [35 Stat. L. 392.]

SEC. 5. [*Promotions — appointments confirmed by the Senate — retired list.*] That promotions to the grade of first lieutenant and captain shall be according to seniority within the regiment, subject to the examination provided by law. All appointments and promotions herein provided for shall be made with the advice and consent of the Senate. Officers of the Porto Rico Regiment of Infantry shall have the same rank, pay, rights, and allowances provided by law for officers of similar rank in the Army of the United States, except as herein provided with regard to promotion. Any of the officers provided for by section three who may have become incapacitated for active service by reason of disability incident to the service shall be placed upon the retired list with the rank to which they would otherwise be entitled. [35 Stat. L. 392.]

SEC. 6. [*Repeal.*] That all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed. [35 Stat. L. 392.]

PORTS OF ENTRY AND DELIVERY.

See CUSTOMS DUTIES.

POSTAL SAVINGS BANK.

In Hawaii, see HAWAIIAN ISLANDS.

POSTAL SERVICE.

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CROSS-REFERENCES.

Statement of Revenue and Expenditures, see ESTIMATES, APPROPRIATIONS, AND REPORTS.

Offenses Against Postal Service, see PENAL LAWS.

[Act of June 26, 1906, ch. 3546.]

[SEC. 1.] [*Rural delivery superintendents made inspectors — rural agents made inspectors — limit.*] * * * That all persons employed on the thirtieth day of June, nineteen hundred and six, as superintendents of division, rural delivery, shall, on July first, nineteen hundred and six, be appointed as post-office inspectors of the grade of one thousand eight hundred dollars per year: *And provided further*, That all persons employed on June thirtieth, nineteen hundred and six, as rural agents shall, on July first, nineteen hundred and six, be appointed as post-office inspectors, except not to exceed one hundred and forty-seven of such agents shall be so appointed as post-office inspectors. [34 Stat. L. 467.]

This and the three paragraphs following are from the Postal Service Appropriation Act of June 26, 1906, ch. 3546.

[*Railroad routes — fines for delays.*] * * * That the Postmaster-General shall require all railroads carrying the mails under contract to comply with the terms of said contract, as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay, when such delay is not caused by unavoidable accidents or conditions. [34 Stat. L. 472.]

[*Foreign mails — clerks on steamships — pier transfers New York and San Francisco.*] * * * That hereafter the Postmaster-General shall be authorized to expend such sums as may be necessary, not exceeding one hundred and five thousand dollars, to cover one-half of the cost of transportation, compensation, and expense of clerks to be employed in assorting and pouching mails in transit on steamships between the United States and other postal administrations in the International Postal Union, and not exceeding forty thousand dollars for transferring the foreign mail from incoming steamships in New York Bay to the steamship and railway piers, and for transferring the foreign mail from incoming steamships in San Francisco Bay to the piers. [34 Stat. L. 475.]

This provision is repeated in the Postal Service Appropriation Act of March 2, 1907, ch. 2513.

[*Admission to mails under penalty privilege — limited to strictly mail matter — franks — loans to committees unlawful — committees of Congressmen excepted.*] * * * That hereafter no article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps, shall be admitted to the mails under a penalty privilege, unless such article, package, or other matter, except postage stamps, stamped envelopes, newspaper wrappers, postal cards, and internal-revenue stamps would be entitled to admission to the mails under laws requiring payment of postage. That hereafter it shall be unlawful for any person entitled under the law to the use of a frank to lend said frank or permit its use by any committee, organization, or association, or permit its use by any person for the benefit or use of any committee, organization, or association: *Provided*, That this provision shall not apply to any committee composed of Members of Congress. [34 Stat. L. 477.]

[Act of March 2, 1907, ch. 2513.]

[SEC. 1.] *[Clerks and carriers graded — promotions — reductions — restoration, etc. — higher positions — transfers, carriers and clerks — present carriers — auxiliary employees — hours of work — eligibility — substitutes — eligibility.]* * * * That after June thirtieth, nineteen hundred and seven, clerks in offices of the first and second class and carriers in the city delivery service shall be divided into six grades, as follows: First grade, salary six hundred dollars; second grade, salary eight hundred dollars; third grade, salary nine hundred dollars; fourth grade, salary one thousand dollars; fifth grade, salary one thousand one hundred dollars; sixth grade, salary one thousand two hundred dollars. Clerks and carriers at first-class offices shall be promoted successively to the fifth grade, and clerks and carriers at second-class offices shall be promoted successively to the fourth grade. That after June thirtieth, nineteen hundred and seven, all promotions of both clerks and carriers shall be made at the beginning of the quarter following the expiration of a year's service in the next lower grade. No promotion shall be made except upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during the preceding year. The Post-Office Department may reduce a clerk or carrier from a higher to a lower grade whenever his efficiency falls below a fair standard or whenever necessary for purposes of discipline. When a clerk or carrier has been reduced in salary he may be restored to his former grade or advanced to an intermediate grade at the beginning of any quarter following the reduction, on evidence that his record has been satisfactory during the intervening period. When a clerk or carrier fails of promotion because of unsatisfactory service he may be promoted at the beginning of the second quarter thereafter, or of any subsequent quarter, on evidence that his record has been satisfactory during the intervening period. Clerks and carriers of the highest grade in their respective offices shall be eligible for promotion to the higher positions in said post-offices. That after June thirtieth, nineteen hundred and seven, any clerk shall be eligible for transfer to the service of a carrier, and any carrier shall be eligible for transfer to the service of a clerk, such transfer to be made to any grade not higher than the corresponding grade of salary, and the time which such clerk or carrier shall have served in the grade from which such transfer was made shall be counted in connection with the service to which such transfer may be made in computing the time of service necessary to entitle such employees to promotion: *Provided*, That no clerk or carrier shall be promoted more than one grade within any one year's period of service: *Provided, however*, That the carriers who on June thirtieth, nineteen hundred and seven, are regularly employed at a salary of eight hundred dollars per annum, shall be promoted to the fourth grade upon evidence satisfactory to the Post-Office Department of the efficiency and faithfulness of the employee during at least one year's service. That after June thirtieth, nineteen hundred and seven, auxiliary employees may be employed to be paid for actual service at the rate of thirty cents an hour: *Provided*, That such employees shall be required to work not less than two hours daily, and may serve as substitutes: *And provided further*, That such employees shall be eligible for appointment as clerks and carriers of the first grade. That after June thirtieth, nineteen hundred and seven, substitutes may be employed to be paid at the rate of thirty cents an hour when serving for absent clerks and carriers: *Provided*, That such substitutes shall

be eligible for appointment as auxiliary employees and as clerks and carriers of the first grade. [34 Stat. L. 1206.]

This and the three paragraphs following are from the Postal Service Appropriation Act of March 2, 1907, ch. 2513.

[*Readjustment of rates for transportation of mail — changes — post-office cars — additional pay — fines for delays, etc.*] * * * The Postmaster-General is hereby authorized and directed to readjust the compensation to be paid from and after the first day of July, nineteen hundred and seven, for the transportation of mail on railroad routes carrying their whole length an average weight of mails per day of upward of five thousand pounds by making the following changes in the present rates per mile per annum for the transportation of mail on such routes, and hereafter the rates on such routes shall be as follows: On routes carrying their whole length an average weight of mail per day of more than five thousand pounds and less than forty-eight thousand pounds the rate shall be five per centum less than the present rates on all weight carried in excess of five thousand pounds; and on routes carrying their whole length an average weight of mail per day of more than forty-eight thousand pounds the rate shall be five per centum less than the present rates on all weight carried in excess of five thousand pounds up to forty-eight thousand pounds, and for each additional two thousand pounds in excess of forty-eight thousand pounds at the rate of nineteen dollars and twenty-four cents upon all roads other than land-grant roads, and upon all land-grant roads the rate shall be seventeen dollars and ten cents for each two thousand pounds carried in excess of said forty-eight thousand pounds. That after July first, nineteen hundred and seven, additional pay allowed for every line comprising a daily trip each way of railway post-office cars shall be at a rate not exceeding twenty-five dollars per mile per annum for cars forty feet in length, and twenty-seven dollars and fifty cents per mile per annum for forty-five-foot cars, and thirty-two dollars and fifty cents per mile per annum for fifty-foot cars, and forty dollars per mile per annum for cars fifty-five feet or more in length. That the Postmaster-General shall require all railroads carrying the mails to maintain their regular train schedules as to time of arrival and departure of said mails, and it shall be his duty to impose and collect reasonable fines for delay when such delay is not caused by unavoidable accidents or conditions. [34 Stat. L. 1212.]

[*Entrance and advances of railway mail clerks.*] * * * That hereafter railway mail clerks on entering the service shall receive the salary of the lowest grade, and no clerk shall be advanced more than two hundred dollars in any period of one year's service. [34 Stat. L. 1213.]

[*Salary of rural letter carriers — annual leaves — substation clerks — power boats.*] * * * That on and after July first, nineteen hundred and seven, letter carriers of the rural-delivery service shall receive a salary not exceeding nine hundred dollars per annum: *Provided*, That rural letter carriers after twelve months' service shall be allowed annual leave with pay not to exceed fifteen days; the substitutes for carriers on vacation to be paid during said service at the rate paid the carrier: * * * *And provided further*, That in the discretion of the Postmaster-General the pay of any rural carrier on a water route who furnishes his own power boat, and is employed during the summer months, may be fixed at an amount not exceeding nine hundred dollars in any one calendar year. [34 Stat. L. 1215.]

An Act Making certain changes in the postal laws.

[Act of March 3, 1907, ch. 2561, 34 Stat. L. 1244.]

[*Special delivery letters, etc. — use of ordinary stamps authorized.*] That from and after July first, nineteen hundred and seven, when in addition to the stamps required to transmit any letter or package of mail matter through the mails there shall be attached to the envelope or covering ten cents' worth of ordinary stamps of any denomination, with the words "special delivery" or their equivalent written or printed on the envelope or covering, under such regulations as the Postmaster-General may prescribe, the said package shall be handled, transmitted, and delivered in all respects as though it bore a regulation "special delivery" stamp. [34 Stat. L. 1244.]

[Act of May 27, 1908, ch. 206.]

[Sec. 1.] [*Salaries of postmasters at Boston and Philadelphia increased.*]
* * * That hereafter the compensation paid to postmasters at Boston, Massachusetts, and Philadelphia, Pennsylvania, shall be eight thousand dollars per annum. [35 Stat. L. 407.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

[*Salaries of assistant postmasters at Boston and Philadelphia increased.*]
* * * That hereafter the compensation paid to assistant postmasters at Boston, Massachusetts, and Philadelphia, Pennsylvania, shall be four thousand dollars per annum. [35 Stat. L. 408.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

[*Payment of rents of post-office quarters to agents.*] * * * Hereafter the provisions of section thirty-four hundred and seventy-seven of the Revised Statutes shall not apply to payments for rent of post-office quarters made by postmasters to duly authorized agents of the lessors. [35 Stat. L. 411.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.
For R. S. sec. 3477, see 2 Fed. Stat. Annot. 7.

[*Substitutes for clerks — annual vacation — construction.*] * * * That the Postmaster-General may allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days with pay. That hereafter the leave of absence authorized by law to postal employees shall be construed exclusive of Sundays and holidays. [35 Stat. L. 413.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

[*Entrance and advancement of railway postal clerks.*] * * * That hereafter railway postal clerks on entering the service shall receive the salary of the lowest grade, and no clerk shall be advanced more than two grades in any period of one year's service. [35 Stat. L. 413.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

[*Deposits of money recovered on account of loss of registered matter.*]
* * * That hereafter all moneys recovered or collected on account of loss of first-class domestic registered matter which in the course of adjustment are not restored to the original owners, shall be covered into the Treasury of the United States. [35 Stat. L. 415.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

[*Postal funds — deposits in national or state banks — restriction modified.*] * * * Amend section thirty-eight hundred and forty-seven of the Revised Statutes of the United States to read as follows:

“[Sec. 3847.] Any postmaster, having public money belonging to the Government, at an office within a city or town where there is no Treasurer or Assistant Treasurer of the United States, or designated depository, may deposit the same temporarily, at his own risk and in his official capacity, in any national or State bank in the State in which the said postmaster resides, or in which his office is located, or within a reasonable radius of his post-office in an adjacent State, but no authority or permission is or shall be given for the payment to or receipt by a postmaster or any other person, of interest, directly or indirectly, on any deposit made as herein described.” [35 Stat. L. 415.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

R. S. sec. 3847, as it read prior to this amendment, is set forth in 5 Fed. Stat. Annot. 800.

[*Matter excluded from mails — “indecent” to include matter inciting murder, etc.*] * * * That section thirty-eight hundred and ninety-three of the Revised Statutes of the United States be, and the same is hereby, amended by adding thereto the following:

“And the term ‘indecent’ within the intendment of this section shall include matter of a character tending to incite arson, murder, or assassination.” [35 Stat. L. 416.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

For R. S. sec. 3893, see 5 Fed. Stat. Annot. 839.

[*Carrier furnishing power boat — compensation.*] * * * That in the discretion of the Postmaster-General the pay of any carrier on a water route who furnishes his own power boat and is employed during the summer months may be fixed at an amount not exceeding nine hundred dollars in any one calendar year. [35 Stat. L. 417.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206. It is repeated in the Appropriation Act of March 1, 1909, ch. 232, 35 Stat. L. 669.

[*Naval vessels — enlisted men to be designated as mail clerks.*] * * * That enlisted men of the United States Navy may, upon selection by the Secretary of the Navy, be designated by the Post-Office Department as “navy mail clerks” and “assistant navy mail clerks,” who shall be authorized to receive and open all pouches and sacks of mail addressed to naval vessels, to make proper delivery of such mail, to receive matter for transmission in the mails, to receipt for registered matter (keeping an accurate record thereof), to keep and have for sale an adequate supply of postage stamps, to make up and dispatch mails, and other postal duties as may be authorized by the Postmaster-General, all in accordance with such rules and regulations as may be prescribed by the commanding officer of the vessel or of the squadron to which the vessel is attached. Each mail clerk and assistant mail clerk shall take the oath of office prescribed for employees of the postal service and shall give bond to the United States in the sum of one thousand dollars for the faithful performance of his duties as such clerk, and shall be amenable in all respects to naval discipline, except that, as to their duties as such clerks, the commanding officers of the vessels upon which they are stationed shall require them to be governed by the postal laws and regulations of the United States. Whenever necessity arises therefor any assistant mail clerk may be required by the commanding officer of the vessel upon which he is stationed or of the squadron to which said

vessel is attached to perform the duties of mail clerk. They shall receive as compensation for such services from the Navy Department, in addition to that paid them of the grade to which they are assigned, such sum in the case of mail clerks not to exceed five hundred dollars per annum, and in that of assistant mail clerks not to exceed three hundred dollars per annum, as may be determined and allowed by the Navy Department. [35 Stat. L. 417.]

This is from the Postal Service Appropriation Act of May 27, 1908, ch. 206.

[Act of March 1, 1909, ch. 232.]

[SEC. 1.] [Railway postal clerks — annual vacation.] * * * That the Postmaster-General may hereafter allow railway postal clerks whose duties require them to work six days or more per week, fifty-two weeks per year, an annual vacation of fifteen days with pay. [35 Stat. L. 667.]

This is from the Post-office Department Appropriation Act of March 1, 1909, ch. 232.

[Bonds of postmasters — money-order condition omitted.] * * * That section thirty-eight hundred and thirty-four of the Revised Statutes be amended by striking therefrom the following words: "and where an office is designated as a money-order office, the bond of the postmaster shall contain an additional condition for the faithful performance of all duties and obligations in connection with the money-order business." [35 Stat. L. 670.]

This is from the Post-office Department Appropriation Act of March 1, 1909, ch. 232.
For R. S. sec. 3834, see 5 Fed. Stat. Annot. 794.

[Pension roll, etc., in postal service prohibited.] * * * The establishment of a civil-pension roll or an honorable-service roll, or the exemption of any of the officers, clerks, and persons in the postal service from the existing laws respecting employment in such service is hereby prohibited. [35 Stat. L. 670.]

This is from the Post-office Department Appropriation Act of March 1, 1909, ch. 232.

POST-OFFICE DEPARTMENT.

Act of May 11, 1906, Ch. 2448.

Disposal of Useless Papers in Post-Offices.

Act of March 2, 1907, Ch. 2513.

Sec. 1. Clerk to Sign Warrants, etc., for Postmaster-General.

Act of March 1, 1909, Ch. 232.

Sec. 1. Sick Leave for Clerks.

CROSS-REFERENCES.

Estimates of Revenue and Expenditures, see ESTIMATES, APPROPRIATIONS, AND REPORTS.

Lost Postal Checks and Warrants, Issue of Duplicates, etc., see PUBLIC MONEYS.

An Act To authorize the Postmaster-General to dispose of useless papers in post-offices,

[Act of May 11, 1906, ch. 2448, 34 Stat. L. 186.]

[*Disposal of useless papers in post-offices.*] That the Postmaster-General is hereby authorized to sell as waste paper or otherwise dispose of the files of papers which have accumulated or may hereafter accumulate in post-offices, that are not needed in the transaction of current business and have no permanent value or historical interest, and pay the proceeds of said sales into the Treasury as postal revenues. [34 Stat. L. 186.]

[SEC. 1] [*Clerk to sign warrants, etc., for postmaster-general.*] * * * That hereafter the Postmaster-General may from time to time designate any employee in the office of the Third Assistant Postmaster-General above the grade of a clerk of Class E to sign warrants, collection and transfer drafts in his stead, and such warrants and drafts when so signed shall be of the same validity as if signed by the Postmaster-General. [34 Stat. L. 1206.]

This is from the Postal Service Appropriation Act of March 2, 1907, ch. 2513.

[SEC. 1.] [*Sick leave for clerks.*] * * * That the Postmaster-General may hereafter, in his discretion, under such regulations as he may provide, allow a clerk who is sick leave of absence with pay, his duties to be performed without expense to the Government during the period for which he is granted leave, not exceeding thirty days in any fiscal year. [35 Stat. L. 667.]

This is from the Post-office Department Appropriation Act of March 1, 1909, ch. 232.

PRESIDENT.

Act of June 23, 1906, Ch. 3523.

Traveling Allowances — Appropriation.

CROSS-REFERENCE.

*Employees of Executive Departments, etc., Detailed to Office of President, see
EXECUTIVE DEPARTMENTS.*

An Act To provide for the traveling expenses of the President of the United States.

[Act of June 23, 1906, ch. 3523, 34 Stat. L. 454.]

[*Traveling allowances — appropriation.*] That hereafter there may be expended for or on account of the traveling expenses of the President of the United States such sum as Congress may from time to time appropriate, not exceeding twenty-five thousand dollars per annum, such sum when appropriated to be expended in the discretion of the President and accounted for on his certificate solely. There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the purposes authorized by this Act for the fiscal year nineteen hundred and seven, the sum of twenty-five thousand dollars. [34 Stat. L. 454.]

PRINTING.

See PUBLIC PRINTING.

PRISONS AND PRISONERS.

Act of April 27, 1906, Ch. 1997.

United States Prisoners — Commutation for Good Conduct — Sentences Affected.

An Act To amend the Act entitled "An Act to regulate commutation for good conduct for United States prisoners," approved June twenty-first, nineteen hundred and two.

[Act of April 27, 1906, ch. 1997, 34 Stat. L. 149.]

[United States prisoners — commutation for good conduct — sentences affected.] That section three of the Act entitled "An Act to regulate commutation for good conduct for United States prisoners," approved June twenty-first, nineteen hundred and two, is hereby amended so as to read as follows:

"SEC. 3. That this Act shall apply to all sentences imposed subsequent to July twenty-first, nineteen hundred and two, and to the sentences imposed prior thereto the commutation upon which is less than that provided in this Act." *[34 Stat. L. 149.]*

The section amended by the text above is given in 6 Fed. Stat. Annot. 41.

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PRIVATE LAND CLAIMS, COURT OF.

Act of Feb. 26, 1909, Ch. 212.

Court of Private Land Claims — Time Extended for Filing Claims.

An Act To amend an Act entitled "An Act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, and the Acts amendatory thereto, approved February twenty-first, eighteen hundred and ninety-three, and June twenty-seventh, eighteen hundred and ninety-eight.

[Act of Feb. 26, 1909, ch. 212, 35 Stat. L. 655.]

[*Court of private land claims — time extended for filing claims.*] That section eighteen of an Act entitled "An Act to establish a court of private land claims and to provide for the settlement of private land claims in certain States and Territories," approved March third, eighteen hundred and ninety-one, as amended by the Act approved February twenty-first, eighteen hundred and ninety-three, and by the Act approved June twenty-seventh, eighteen hundred and ninety-eight, be, and the same is hereby, further amended by striking out the words "before the fourth day of March, nineteen hundred and one," and inserting in lieu thereof the words "before the fourth day of March, nineteen hundred and ten," so that the first clause of said section shall read as follows, namely:

"That all claims arising under either of the two next preceding sections of this Act shall be filed with the surveyor-general of the proper State or Territory before the fourth day of March, nineteen hundred and ten, and no claim not so filed shall be valid."

Provided, That the extension herein granted shall not apply to lands within the limits of a confirmed grant or embraced in any entry completed under the public land laws prior to filing of a claim hereunder, nor shall its provision extend to persons holding under assignments made after March third, nineteen hundred and one. [35 Stat. L. 655.]

Section 18 of the Act of March 3, 1891, as amended, is set forth in 6 Fed. Stat. Annot. 64.

PRIZE FIGHTS.

See *PENAL LAWS*.

PUBLIC CONTRACTS.

Act of Dec. 11, 1906, Ch. 1.

Navy — Contracts, etc., for Supplies — Certified Checks in Lieu of Bond, etc.

CROSS-REFERENCES.

Authority to Execute Contract Involving Payment of Money in Excess of Appropriations, see ESTIMATES, APPROPRIATIONS, AND REPORTS.

Fortifications, etc., Contracts for, see WAR DEPARTMENT AND MILITARY ESTABLISHMENT.

An Act Providing for the use of certified checks to secure compliance with proposals and contracts for naval supplies.

[Act of Dec. 11, 1906, ch. 1, 34 Stat. L. 841.]

[*Navy — contracts, etc., for supplies — certified checks in lieu of bond, etc.*] That the Secretary of the Navy may, in his discretion, accept, in lieu of the written guaranty required to accompany a proposal for naval supplies, and in lieu of the bond required for the faithful performance of a contract for furnishing such supplies, a certified check, payable to the order of the Secretary of the Navy, for from twenty-five to fifty per centum of the amount of such proposal or contract, the check to be held by the Secretary of the Navy until the requirements of the proposal or contract shall be complied with and as a guaranty for compliance with the same. [34 Stat. L. 841.]

See R. S. secs. 3718, 3719, given in 6 Fed. Stat. Annot. 108, 109.

PUBLIC DOCUMENTS.

Act of Jan. 18, 1907, Ch. 153.

Philippine Islands — Public Documents for Government Library at Manila — Extra Copies Authorized.

Act of March 4, 1909, Ch. 299.

Sec. 1. Office of Superintendent of Documents — Disbursements — Statement.

Act of March 4, 1909, Ch. 317.

Copies of Congressional Record, etc., for Governor-General — Printing Extra Numbers.

CROSS-REFERENCE.

See *PUBLIC PRINTING*.

An Act To provide for the distribution of public documents to the library of the Philippine government at Manila, Philippine Islands.

[*Act of Jan. 18, 1907, ch. 153, 34 Stat. L. 850.*]

[*Philippine Islands — public documents for government library at Manila — extra copies authorized.*] That the superintendent of documents is hereby authorized and directed to supply one copy of each document delivered to him for distribution to State and Territorial libraries and designated depositories to the library of the Philippine government, in the city of Manila, Philippine Islands; and the Public Printer is hereby directed to print, bind, and deliver to the superintendent of documents the extra number of documents required to comply with this Act. [*34 Stat. L. 850.*]

[**SEC. 1.**] [*Office of superintendent of documents — disbursements — statement.*] * * * That the office of the superintendent of documents shall be under the control of the Public Printer as heretofore; the disbursements on account of salaries or other expenses of the office of the superintendent of documents shall be made by the Public Printer, and a statement thereof shall be included in his annual report for each fiscal year. [*35 Stat. L. 1021.*]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

An Act To provide for the distribution of the Congressional Record and public bills, documents, and so forth, to the governor-general of the Philippine Islands at Manila, Philippine Islands.

[*Act of March 4, 1909, ch. 317, 35 Stat. L. 1067.*]

[*Copies of Congressional Record, etc., for governor-general — printing extra numbers.*] That the Public Printer is hereby authorized to furnish gratuitously to the governor-general of the Philippine Islands at Manila ten copies of the daily Congressional Record and three copies of all bills, resolutions, documents, and reports, as printed, and he is hereby directed to print, if necessary, the extra number required to comply with this Act. [*35 Stat. L. 1067.*]

PUBLIC HEALTH.

See *HEALTH AND QUARANTINE.*

PUBLIC JUSTICE.

Offenses against, see PENAL LAWS.

PUBLIC LANDS.

Act of Feb. 5, 1906, Ch. 88, 536.

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Yellowstone Forest Reserve — Homestead Laws Extended to Certain Lands in — Land Reserved for Forestry Administration — No Commutation — Rights of Prior Settlers Revived, 537.

Act of March 19, 1906, Ch. 961, 537.

Wyoming — Land Laws Extended to Cession of Shoshone and Arapaho Indians in, 537.

Act of March 22, 1906, Ch. 1127, 537.

Sec. 1. Battle Mountain Sanitarium, Hot Springs, S. Dak. — Lands Reserved for — Description — Valid Rights Not Affected, 537.

2. Name of Reservation — Control of, 538.

3. Perfecting Bona Fide Claims — Lands in Lieu of — Surrender of Title to Private Lands — Issue of Land Scrip Not Authorized — Lands in Lieu of, Granted to South Dakota, 538.

4. Unlawful Intrusion, etc., Prohibited — Penalty, 538.

Act of March 27, 1906, Ch. 1247, 539.

Sec. 1. Alabama — Public Lands to Be Reclassified — Survey, 539.

2. Agricultural Lands Subject to Homestead Entry, 539.

3. Appropriation, 539.

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An Act To provide for a land district in Yellowstone, Carbon, and Rosebud counties, in the State of Montana, to be known as the Billings land district.

[Act of Feb. 5, 1906, ch. 33, 34 Stat. L. 11.]

[Billings land district, Montana, created—office.] That all that portion of the State of Montana included within the present boundaries of Yellowstone and Carbon counties and all that portion of the ceded and unceded part of

the Crow Indian Reservation lying within the limits of Rosebud County, west of the Big Horn River, is hereby constituted a new land district, and that the land office for said district shall be located at Billings, in said Yellowstone County. [34 Stat. L. 11.]

An Act To extend the provisions of the homestead laws to certain lands in the Yellowstone Forest Reserve.

[Act of March 15, 1906, ch. 950, 34 Stat. L. 62.]

[*Yellowstone forest reserve — homestead laws extended to certain lands in — land reserved for forestry administration — no communication — rights of prior settlers revived.*] That the general provisions of the homestead laws of the United States be, and the same are hereby, extended to and over the surveyed lands in townships forty-eight, forty-nine, and fifty, and ranges one hundred and five and one hundred and six, within the Yellowstone Forest Reserve, and the said lands shall be subject to entry ninety days after the passage of this Act, within which ninety-day period the Secretary of Agriculture may set aside such portions of said lands as were not occupied by a bona fide settler January first, nineteen hundred and six, not to exceed in the aggregate one hundred and sixty acres, as may be necessary for forest reserve administrative purposes, which lands so set aside shall not be subject to settlement entry or location during the life of the forest reserve: *Provided*, That the commutation clause of the homestead laws shall not apply to the said lands, and any bona fide settler who made settlement on said lands prior to January first, nineteen hundred and six, and who had prior to that time lost or exercised his homestead right, may enter and perfect title to the lands settled upon by him as though his homestead right had not been lost or exercised, upon the payment of the sum of one dollar and twenty-five cents per acre for the land included in his entry at the time of making final proof. [34 Stat. L. 62.]

An Act Extending the public-land laws to certain lands in Wyoming.

[Act of March 19, 1906, ch. 961, 34 Stat. L. 78.]

[*Wyoming — land laws extended to cession of Shoshone and Arapaho Indians in.*] That the public-land laws of the United States be, and the same are hereby, extended to the lands embraced within the territory ten miles square ceded to the United States by the Shoshone and Arapaho Indians by the agreement ratified by the Act approved June seventh, eighteen hundred and ninety-seven. [34 Stat. L. 78.]

An Act To set apart certain lands in the State of South Dakota, to be known as the Battle Mountain Sanitarium Reserve.

[Act of March 22, 1906, ch. 1127, 34 Stat. L. 83.]

[SEC. 1.] [*Battle Mountain Sanitarium, Hot Springs, S. Dak. — lands reserved for — description — valid rights not affected.*] That there are hereby reserved from settlement, entry, sale, or other disposal all those certain tracts, pieces, or parcels of land lying and being situate in the State of South Dakota and within the boundaries particularly described as follows: Beginning at the southwest corner of section eighteen, township seven south, range six east, Black Hills meridian; thence east to the southeast corner of said section

eighteen; thence south to the southwest corner of the northwest quarter of section twenty; thence east to the southeast corner of the northeast quarter of section twenty-one; thence north to the northeast corner of the southeast quarter of section nine; thence west to the center of section seven; thence south to the southwest corner of the southeast quarter of section seven; thence west to the northwest corner of section eighteen; thence south to the place of beginning, all in township seven south, range six east, Black Hills meridian, in Fall River County, South Dakota: *Provided*, That nothing herein contained shall be construed to affect any valid rights acquired in connection with any of the lands embraced within the limits of said reserve. [34 Stat. L. 83.]

SEC. 2. [*Name of reservation — control of.*] That said reserve shall be known as the Battle Mountain Sanitarium Reserve, and shall be under the exclusive control of the Board of Managers of the National Home for Disabled Volunteer Soldiers in connection with the Battle Mountain Sanitarium at Hot Springs, South Dakota, whose duty it shall be to prescribe such rules and regulations and establish such service as they may deem necessary for the care and management of the same. [34 Stat. L. 83.]

SEC. 3. [*Perfecting bona fide claims — lands in lieu of — surrender of title to private lands — issue of land scrip not authorized — lands in lieu of, granted to South Dakota.*] That in all cases of unperfected bona fide claims lying within the said boundaries of said reserve, which claims have been properly initiated prior to September second, nineteen hundred and two, said claims may be perfected upon compliance with the requirements of the laws respecting settlement, residence, improvements, and so forth, in the same manner in all respects as claims are perfected to other Government lands: *Provided*, That to the extent that the lands within said reserve are held in private ownership the Secretary of the Interior is hereby authorized in his discretion to exchange therefor public lands of like area and value, which are surveyed, vacant, unappropriated, not mineral, not timbered, and not required for reservoir sites or other public uses or purposes. The private owners must, at their expense and by appropriate instruments of conveyance, surrender to the Government a full and unencumbered right and title to the private lands included in any exchange before patents are issued for or any rights attached to the public lands included therein, and no charge of and kind shall be made for issuing such patents. Upon completion of any exchange the lands surrendered to the Government shall become a part of said reserve in a like manner as if they had been public lands at the time of the establishment of said reserve. Nothing herein contained shall be construed to authorize the issuance of any land scrip, and the State of South Dakota is granted the privilege of selecting from the public lands in said State an equal quantity of land in lieu of such portions of section sixteen included within said reserve as have not been sold or disposed of by said State and are not covered by an unperfected bona fide claim as above mentioned. [34 Stat. L. 83.]

SEC. 4. [*Unlawful intrusion, etc., prohibited — penalty.*] That all persons who shall unlawfully intrude upon said reserve, or who shall without permission appropriate any object therein or commit unauthorized injury or waste in any form whatever upon the lands or other public property therein, or who shall violate any of the rules and regulations prescribed hereunder, shall, upon conviction, be fined in a sum not more than one thousand dollars, or be imprisoned for a period not more than twelve months, or shall suffer both fine and imprisonment, in the discretion of the court. [34 Stat. L. 83.]

An Act To authorize the Secretary of the Interior to reclassify the public lands of Alabama.

[Act of March 27, 1906, ch. 1347, 34 Stat. L. 58.]

[SEC. 1.] [*Alabama — public lands to be reclassified — survey.*] That the Secretary of the Interior be, and he is hereby, authorized to reclassify the public lands of Alabama, so as to determine which of said lands are in fact agricultural lands and which mineral lands, and to decide which of said lands should be subject to homestead entry, and to that end he is hereby authorized and empowered to employ such expert mineralogist, assayers, and civil engineers as may be necessary to designate and survey said mineral and agricultural lands. [34 Stat. L. 88.]

SEC. 2. [*Agricultural lands subject to homestead entry.*] That upon receipt of the report of the parties designated to make such classification, all lands designated thereby as agricultural shall be subject to homestead entry as such. [34 Stat. L. 88.]

SEC. 3. [*Appropriation.*] That for the purpose of carrying out this Act there is hereby appropriated, out of any money in the Treasury not otherwise expended, the sum of five thousand dollars, or so much thereof as may be necessary, to carry out the provisions of this Act. [34 Stat. L. 88.]

An Act Providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes.

[Act of April 16, 1906, ch. 1631, 34 Stat. L. 116.]

[SEC. 1.] [*Town-site withdrawals under irrigation projects — maximum acreage, survey, etc.*] That the Secretary of the Interior may withdraw from public entry any lands needed for town-site purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, not exceeding one hundred and sixty acres in each case, and survey and subdivide the same into town lots, with appropriate reservations for public purposes. [34 Stat. L. 116.]

The Reclamation Act of June 17, 1902, is given in 7 Fed. Stat. Annot. 1098.

SEC. 2. [*Appraisalment and sale of lots, etc. — expenses and proceeds.*] That the lots so surveyed shall be appraised under the direction of the Secretary of the Interior and sold under his direction at not less than their appraised value at public auction to the highest bidders, from time to time, for cash, and the lots offered for sale and not disposed of may afterwards be sold at not less than the appraised value under such regulations as the Secretary of the Interior may prescribe. Reclamation funds may be used to defray the necessary expenses of appraisalment and sale, and the proceeds of such sales shall be covered into the reclamation fund. [34 Stat. L. 116.]

SEC. 3. [*Improvement of public reservations, etc.*] That the public reservations in such town sites shall be improved and maintained by the town authorities at the expense of the town; and upon the organization thereof as municipal corporations the said reservations shall be conveyed to such corporations by the Secretary of the Interior, subject to the condition that they shall be used forever for public purposes. [34 Stat. L. 116.]

SEC. 4. [*Water rights — payment of charges.*] That the Secretary of the Interior shall, in accordance with the provisions of the reclamation Act, provide

for water rights in amount he may deem necessary for the towns established as herein provided, and may enter into contract with the proper authorities of such towns, and other towns or cities on or in the immediate vicinity of irrigation projects, which shall have a water right from the same source as that of said project for the delivery of such water supply to some convenient point, and for the payment into the reclamation fund of charges for the same to be paid by such towns or cities, which charges shall not be less nor upon terms more favorable than those fixed by the Secretary of the Interior for the irrigation project from which the water is taken. [34 Stat. L. 116.]

SEC. 5. [*Lease of surplus water power — terms — disposal of proceeds — impairment of irrigation projects prohibited.*] That whenever a development of power is necessary for the irrigation of lands under any project undertaken under the said reclamation Act, or an opportunity is afforded for the development of power under any such project, the Secretary of the Interior is authorized to lease for a period not exceeding ten years, giving preference to municipal purposes, any surplus power or power privilege, and the moneys derived from such leases shall be covered into the reclamation fund and be placed to the credit of the project from which such power is derived: *Provided*, That no lease shall be made of such surplus power or power privilege as will impair the efficiency of the irrigation project. [34 Stat. L. 117.]

An Act Creating an additional land office in the State of North Dakota.

[*Act of April 26, 1906, ch. 1877, 34 Stat. L. 148.*]

[SEC. 1.] [*Williston, N. Dak., district created — office.*] That all that portion of North Dakota lying north of the twelfth standard parallel and west of a line beginning at the juncture of the range line between ranges ninety-two and ninety-three with the said twelfth standard parallel and running north to the fifteenth standard parallel, and thence west along the said fifteenth standard parallel to the range line between ranges ninety-six and ninety-seven, and thence north along the said range line to the international boundary line, all west of the principal meridian, be, and the same is hereby, created into a separate land district, to be known as the Williston district; and the land office for said district shall be located at the town of Williston until such time as the President may, in his discretion, remove the site of said land office from said town. [34 Stat. L. 148.]

SEC. 2. [*Register and receiver.*] That the President be, and is hereby, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said district; and they shall be subject to the same laws and be entitled to the same compensation as is or may hereafter be provided by law in relation to the existing land offices and officers in said State. [34 Stat. L. 149.]

An Act To amend section ten of an Act of Congress approved June twenty-first, eighteen hundred and ninety-eight, to make certain grants of land to the Territory of New Mexico, and for other purposes.

[*Act of June 25, 1906, ch. 3537, 34 Stat. L. 400.*]

[*Land grants to New Mexico — educational lands — leasing allowed — board designated — restrictions — larger areas — use of proceeds — sales of other lands — limitations — leases permitted — approval by Secretary of Interior.*] That section ten of an Act of Congress approved June twenty-first,

eighteen hundred and ninety-eight, to make certain grants of land to the Territory of New Mexico, and for other purposes, be amended to read as follows:

"SEC. 10. That the lands reserved for university purposes, including all saline lands, and sections sixteen and thirty-six, reserved for public schools, may be leased under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; but until the meeting of the next legislature of said Territory the governor, secretary of the Territory, and the solicitor-general shall constitute a board for the leasing of said lands, and all necessary expenses and costs incurred in the leasing, management, and protection of said lands and leases may be paid out of the proceeds derived from such leases. And it shall be unlawful to cut, remove, or appropriate in any way any timber growing upon the lands leased under the provisions of this Act, and not more than one section of land shall be leased to any one person, corporation, or association of persons, except when in the opinion of the Secretary of the Interior the leasing of a larger area is deemed advisable, and no lease shall be made for a longer period than five years, and all leases shall terminate on the admission of said Territory as a State; and all money received on account of such leases in excess of actual expenses necessarily incurred in connection with the execution thereof shall be placed to the credit of separate funds for the use of said institutions, and shall be paid out only as directed by the legislative assembly of said Territory and for the purposes indicated herein. The remainder of the lands granted by this Act, except those lands which may be leased only as above provided, may be sold under such laws and regulations as may be hereafter prescribed by the legislative assembly of said Territory; and all such necessary costs and expenses as may be incurred in the management, protection, and sale of said lands may be paid out of the proceeds derived from such sales; and not more than one-quarter section of land shall be sold to any one person, corporation, or association of persons, and no sale of said lands or any portion thereof shall be made for less than one dollar and twenty-five cents per acre; and all money received on account of such sales, after deducting the actual expenses necessarily incurred in connection with the execution thereof, shall be placed to the credit of separate funds created for the respective purposes named in this Act, and shall be used only as the legislative assembly of said Territory may direct, and only for the use of the institutions or purposes for which the respective grants of lands are made: *Provided*, That such legislative assembly may provide for leasing all or any part of the lands granted in this Act on the same terms and under the same limitations prescribed above as to the lands that may be leased only; but all leases made under the provisions of this Act shall be subject to the approval of the Secretary of the Interior, and all investments made or securities purchased with the proceeds of sales or leases of lands provided for by this Act shall be subject to like approval by the Secretary of the Interior." [34 Stat. L. 460.]

Section 10 of the Act of June 21, 1898, above amended, is given in 6 Fed. Stat. Annot. 484.

An Act To declare and enforce the forfeiture provided by section four of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

[Act of June 26, 1906, ch. 3550, 34 Stat. L. 482.]

[*Railroad rights of way — forfeiture of grants not completed in five years.*] That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the

right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby freed and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That in any case under this Act where construction of the railroad is progressing in good faith at the date of the approval of this Act the forfeiture declared in this Act shall not take effect as to such line of railroad. [34 Stat. L. 482.]

The Act of March 3, 1875, above referred to, is given in 6 Fed. Stat. Annot. 501.

This Act operates *ipso facto*, without judicial ascertainment of forfeiture by a proceeding in the nature of an inquest of office, to forfeit the right of a railroad company to any section of its road located under the Act of March 3, 1875, and not completed or progressing in good faith at the expiration of five years from the date of location. The Act itself takes the place of an adjudication of forfeiture and is itself the entry of the grantor for condition broken. And the efficacy of the Act to accomplish that result is in no way impaired by the fact that before it took effect a suit had been begun by the prior locator under the Act of 1875 to restrain another railroad company from occupying the premises in question and constructing a road thereon. *Columbia Valley R. Co. v. Portland, etc., R. Co.*, (C. C. A. 1908) 162 Fed. 603; and see *Columbia Valley R. Co. v. Portland, etc., R. Co.*, (Wash.) 98 Pac. 1068.

Construction progressing in good faith. —

That the construction of a railroad is progressing in good faith, so as to save the location from forfeiture under the above Act, is not shown by an averment that at all times since its incorporation the locator railroad company "has been and now is actively engaged in prosecuting the said enterprise." This might be true and yet the locator have done no act of construction of a railroad. Nor is such forfeiture obviated by an averment in a second amended pleading that the locator "is now and has been for some time prior hereto" actually engaged in constructing its road on the premises, where in neither the original nor the first amended pleading was there any allegation of an act done in the direction of actual construction, and the above Act went into effect prior to the filing of the second amended pleading. The rule that amendments germane to the bill relate back has no application where the second amended bill is a new bill and not a mere amendment to the original bill. *Columbia Valley R. Co. v. Portland, etc., R. Co.*, (C. C. A. 1908) 162 Fed. 603.

An Act To amend an Act entitled "An Act to amend section twenty-four hundred and fifty-five of the Revised Statutes of the United States," approved February twenty-sixth, eighteen hundred and ninety-five.

[Act of June 27, 1906, ch. 3554, 34 Stat. L. 517.]

[*Isolated tracts — sales at auction authorized — R. S. sec. 2455 amended — vested rights.*] That the Act of February twenty-sixth, eighteen hundred and ninety-five, entitled "An Act to amend section twenty-four hundred and fifty-five of the Revised Statutes of the United States," be, and the same is hereby, amended so as to read as follows: "It shall be lawful for the Commissioner of the General Land Office to order into market and sell, at public auction at the land office of the district in which the land is situated, for not less than one dollar and twenty-five cents per acre, any isolated or disconnected tract or parcel of the public domain not exceeding one quarter section which, in his judgment, it would be proper to expose for sale after at least thirty days' notice by the land officers of the district in which such land may be situated: *Provided*, That this Act shall not defeat any vested right which has already attached under any pending entry or location." [34 Stat. L. 517.]

R. S. sec. 2455, as previously amended, is given in 6 Fed. Stat. Annot. 525.

An Act Providing for the subdivision of lands entered under the reclamation Act, and for other purposes.

[Act of June 27, 1906, ch. 3559, 34 Stat. L. 519.]

[SEC. 1.] [*Reclamation act — areas for fruit and garden produce lands — subdivision — entry of lesser areas.*] That whenever, in the opinion of the Secretary of the Interior, by reason of market conditions and the special fitness of the soil and climate for the growth of fruit and garden produce, a lesser area than forty acres may be sufficient for the support of a family on lands to be irrigated under the provisions of the Act of June seventeenth, nineteen hundred and two, known as the reclamation Act, he may fix a lesser area than forty acres as the minimum entry and may establish farm units of not less than ten nor more than one hundred and sixty acres. That wherever it may be necessary, for the purpose of accurate description, to further subdivide lands to be irrigated under the provisions of said reclamation Act, the Secretary of the Interior may cause subdivision surveys to be made by the officers of the reclamation service, which subdivisions shall be rectangular in form, except in cases where irregular subdivisions may be necessary in order to provide for practicable and economical irrigation. Such subdivision surveys shall be noted upon the tract books in the General Land Office, and they shall be paid for from the reclamation fund: *Provided*, That an entryman may elect to enter under said reclamation Act a lesser area than the minimum limit in any State or Territory. [34 Stat. L. 519.]

The Reclamation Act of June 17, 1902, is given in 7 Fed. Stat. Annot. 1098.

SEC. 2. [*Additional entries for relinquished lands.*] That wherever the Secretary of the Interior, in carrying out the provisions of the reclamation Act, shall acquire by relinquishment lands covered by a bona fide unperfected entry under the land laws of the United States, the entryman upon such tract may make another and additional entry, as though the entry thus relinquished had not been made. [34 Stat. L. 519.]

Protection of the possession of a settler who, prior to the date of the Reclamation Act (Act June 17, 1902, ch. 1093, 32 Stat. L. 388, 7 Fed. Stat. Annot. 1098), took possession of unsurveyed lands of the United States with

intent to file a homestead thereon whenever the lands should be surveyed or offered for settlement, is not given by this section. U. S. v. Hanson, (C. C. A.) 167 Fed. 887.

SEC. 3. [*Town sites — disposal of, within irrigation projects.*] That any town site heretofore set apart or established by proclamation of the President, under the provisions of sections twenty-three hundred and eighty and twenty-three hundred and eighty-one of the Revised Statutes of the United States, within or in the vicinity of any reclamation project, may be appraised and disposed of in accordance with the provisions of the Act of Congress approved April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for town-site purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes;" and all necessary expenses incurred in the appraisal and sale of lands embraced within any such town site shall be paid from the reclamation fund, and the proceeds of the sales of such lands shall be covered into the reclamation fund. [34 Stat. L. 519.]

For R. S. secs. 2380, 2381, see 6 Fed. Stat. Annot. 341.

The Act of April 18, 1906, above referred to, is given *supra*, p. 539.

SEC. 4. [*Heyburn and Rupert, Idaho — purchases by settlers — limitation not applicable — withdrawal of larger town sites.*] That in the town sites

of Heyburn and Rupert, in Idaho, created and surveyed by the Government, on which town sites settlers have been allowed to establish themselves, and had actually established themselves prior to March fifth, nineteen hundred and six, in permanent buildings not easily moved, the said settlers shall be given the right to purchase the lots so built upon at an appraised valuation for cash, such appraisement to be made under rules to be prescribed by the Secretary of the Interior. Providing that the limitation on the size of townsites contained in the Act of April sixteenth, nineteen hundred and six, entitled "An Act providing for the withdrawal from public entry of lands needed for townsite purposes in connection with irrigation projects under the reclamation Act of June seventeenth, nineteen hundred and two, and for other purposes," shall not apply to the townsites named in this section; and whenever, in the opinion of the Secretary of the Interior, it shall be advisable for the public interest, he may withdraw and dispose of townsites in excess of one hundred and sixty acres under the provisions of the aforesaid Act, approved April sixteenth, nineteen hundred and six, and reclamation funds shall be available for the payment of all expenses incurred in executing the provisions of this Act, and the aforesaid Act of April sixteenth, nineteen hundred and six, and the proceeds of all sales of townsites shall be covered into the reclamation fund. [34 Stat. L. 520.]

SEC. 5. [*Desert-land entries—allowance to settlers—where irrigation project abandoned—relinquishment of excess area if project completed—owners of water rights.*] That where any bona fide desert-land entry has been or may be embraced within the exterior limits of any land withdrawal or irrigation project under the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, and the desert-land entryman has been or may be directly or indirectly hindered, delayed, or prevented from making improvements or from reclaiming the land embraced in any such entry by reason of such land withdrawal or irrigation project, the time during which the desert-land entryman has been or may be so hindered, delayed, or prevented from complying with the desert-land law shall not be computed in determining the time within which such entryman has been or may be required to make improvements or reclaim the land embraced within any such desert-land entry: *Provided*, That if after investigation the irrigation project has been or may be abandoned by the Government, time for compliance with the desert-land law by any such entryman shall begin to run from the date of notice of such abandonment of the project and the restoration to the public domain of the lands withdrawn in connection therewith, and credit shall be allowed for all expenditures and improvements heretofore made on any such desert-land entry of which proof has been filed; but if the reclamation project is carried to completion so as to make available a water supply for the land embraced in any such desert-land entry, the entryman shall thereupon comply with all the provisions of the aforesaid Act of June seventeenth, nineteen hundred and two, and shall relinquish all land embraced within his desert-land entry in excess of one hundred and sixty acres, and as to such one hundred and sixty acres retained, he shall be entitled to make final proof and obtain patent upon compliance with the terms of payment prescribed in said Act of June seventeenth, nineteen hundred and two, and not otherwise. But nothing herein contained shall be held to require a desert-land entryman who owns a water right and reclaims the land embraced in his entry to accept the conditions of said reclamation Act. [34 Stat. L. 520.]

An Act To provide for a land district in Valley County, in the State of Montana, to be known as the Glasgow land district.

[Act of Feb. 25, 1907, ch. 1191, 34 Stat. L. 929.]

[Glasgow, Mont., district established — office.] That all that portion of the State of Montana included within the present boundaries of Valley County is hereby constituted a new land district, and that the land office for said district shall be located at Glasgow, in said county. [34 Stat. L. 929.]

An Act To authorize the sale of public lands for cemetery purposes.

[Act of March 1, 1907, ch. 2286, 34 Stat. L. 1052.]

[Sales for cemeteries authorized — price — reversion.] That the Secretary of the Interior be, and he is hereby, authorized to sell and convey to any religious or fraternal association, or private corporation, empowered by the laws under which such corporation or association is organized or incorporated to hold real estate for cemetery purposes, not to exceed eighty acres of any unappropriated nonmineral public lands of the United States for cemetery purposes, upon the payment therefor by such corporation or association of the sum of not less than one dollar and twenty-five cents per acre: *Provided*, That title to any land disposed of under the provisions of this Act shall revert to the United States, should the land or any part thereof be sold or cease to be used for the purpose herein provided. [34 Stat. L. 1052.]

An Act To authorize the receivers of public moneys for land districts to deposit with the Treasurer of the United States certain sums embraced in their accounts of unearned fees and unofficial moneys.

[Act of March 2, 1907, ch. 2562, 34 Stat. L. 1245.]

[SEC. 1.] [Receivers to deposit unearned fees, etc.] That the receivers of public moneys for land districts are hereby authorized, under the direction of the Commissioner of the General Land Office, to deposit to the credit of the Treasurer of the United States all unearned fees and unofficial moneys that have been carried upon the books of their respective offices for a period of five years or more, which sums shall be covered into the Treasury by warrant and carried to the credit of the parties from whom such fees or moneys were received, and into an appropriation account to be denominated "Outstanding liabilities." [34 Stat. L. 1245.]

SEC. 2. [Lists to be furnished.] That at the time of making such deposit the receiver shall furnish a list showing the date when the money was paid to him or to his predecessor; the names and residences of the parties; the purposes of the payments and the amounts thereof, which list shall bear the certificate of the register and receiver that the same is correct; that the amounts are due and payable; that diligence has been exercised to return the same, and that the sums specified have remained unclaimed for a period of five years or more. [34 Stat. L. 1245.]

SEC. 3. [Deposit of "moneys deposited by unknown parties" — list.] That amounts that appear in a receiver's accounts as "Moneys deposited by unknown parties" shall also be deposited to the credit of the Treasurer of the United States, accompanied by a list showing the amount and, if possible, the date of

the receipt of each item; which list shall bear the certificate of the register and receiver that, after careful investigation, the ownership of said moneys could not be determined, and that they have been reported in the unearned fees and unofficial moneys accounts for five years or more. [34 Stat. L. 1245.]

SEC. 4. [*Repayment of deposits — time limit for recovery — payment of purchase money by homestead entrymen.*] That any person or persons who shall have made payment to a receiver, or to his predecessor, and the money shall have been covered into the Treasury pursuant to section one or section three hereof, shall, on presenting satisfactory evidence of such payment to the proper officer of the Treasury Department, be entitled to have the same returned by the settlement of an account and the issuing of a warrant in his favor according to the practice in other cases of authorized and liquidated claims against the United States: *Provided*, That when such moneys shall remain unclaimed in the Treasury for more than five years the right to recover the same shall be barred: *Provided*, That no homestead entryman shall be required to make payment of the purchase money on any application to make a cash entry until the same shall have been approved by the register and receiver, but such payment shall be made within ten days after notice of such approval. [34 Stat. L. 1245.]

An Act Authorising and directing the Secretary of the Treasury, in certain contingencies, to refund to receivers of public moneys acting as special disbursing agents amounts paid by them out of their private funds.

[Act of March 2, 1907, ch. 2563, 34 Stat. L. 1245.]

— [*Refund of amounts paid by receivers out of private funds while acting as special disbursing agents — restriction — lawful disbursements — approval of accounts.*] That the Secretary of the Treasury be, and he is hereby, authorized and directed to pay, out of any unexpended balances of appropriations for contingent expenses of land offices, for the expenses of hearings in land entries and the expenses of depositing public moneys, such sums as may have been or may hereafter be disbursed by receivers of public moneys, acting as special disbursing agents at United States land offices, before the receipt of Government funds: *Provided*, That no payment shall be made under this Act in excess of the amount appropriated by the Congress for the particular purpose in each instance and for the fiscal year in which such disbursements were made: *Provided*, That all such disbursements shall have been or shall hereafter be made in pursuance of law in carrying out departmental regulations or to meet authorizations by the Commissioner of the General Land Office: *Provided*, further, That the accounts containing such items shall have been duly approved by the Commissioner of the General Land Office. [34 Stat. L. 1245.]

An Act For the relief of homestead entrymen who have paid more than the lawful purchase money.

[Act of March 2, 1907, ch. 2563, 34 Stat. L. 1248.]

[*Homestead entrymen to be refunded overpayments.*] That in all cases in which homestead entrymen upon final proof or commutation shall have been required to pay more than the lawful purchase money for their lands, the Secretary of the Interior shall cause the excess to be repaid to the entryman or to his heirs or assigns. [34 Stat. L. 1248.]

An Act Providing for second homestead entries.

[Act of Feb. 8, 1908, ch. 19, 35 Stat. L. 6.]

[*Second homestead entries permitted.*] That any person who, prior to the passage of this Act, has made entry under the homestead laws, but from any cause has lost[,] forfeited or abandoned the same, shall be entitled to the benefits of the homestead law as though such former entry had not been made, and any person applying for a second homestead under this Act shall furnish the description and date of his former entry: *Provided*, That the provisions of this Act shall not apply to any person whose former entry was canceled for fraud, or who relinquished the former entry for a valuable consideration. [35 Stat. L. 6.]

[*Restriction on expenses incurred by registers and receivers.*] That no expenses chargeable to the Government shall be incurred by registers and receivers in the conduct of local land offices except upon previous specific authorization by the Commissioner of the General Land Office. [35 Stat. L. 18.]

This is from the Urgent Deficiency Appropriation Act of Feb. 15, 1908, ch. 27.

An Act To amend section four of an Act entitled "An Act to prevent unlawful occupancy of the public lands," approved February twenty-fifth, eighteen hundred and eighty-five.

[Act of March 10, 1908, ch. 75, 35 Stat. L. 40.]

[*Unlawful occupancy — penalty.*] That section four of an Act entitled "An Act to prevent unlawful occupancy of the public lands," approved February twenty-fifth, eighteen hundred and eighty-five, be, and the same is hereby, amended so as to read as follows:

"SEC. 4. That any person violating any of the provisions hereof, whether as owner, part owner, or agent, or who shall aid, abet, counsel, advise, or assist in any violation hereof, shall be deemed guilty of a misdemeanor and fined in a sum not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, for each offense." [35 Stat. L. 40.]

Section 4 of the Act of Feb. 25, 1885, here amended, is given in 6 Fed. Stat. Annot. 536.

An Act To extend the time of payments on certain homestead entries in Oklahoma.

[Act of March 11, 1908, ch. 79, 35 Stat. L. 41.]

[*Oklahoma — time extended for payments on certain homestead entries in — interest on deferred payments — rights of sublessees.*] That the time within which all payments required by the Acts entitled "An Act to open to settlement five hundred and five thousand acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the Act entitled "An Act giving preference right to actual settlers on pasture reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided*, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indian entitled thereto, four per centum on the amount of such deferred payments, where such settler had

no preference right, and five per centum on the amount of the deferred payment where such settler was given a preference right: *And provided further*, That all persons, or their legal assignees, whose applications to purchase any of the pasture land mentioned in the Act of June twenty-eighth, nineteen hundred and six (and whose applications were rejected because such persons were sublessees), shall have the right to purchase under the provisions of this Act the land so originally applied for by them. [35 Stat. L. 41.]

An Act To make the provisions of an Act of Congress approved February twenty-eighth, eighteen hundred and ninety-one (Twenty-sixth Statutes, page seven hundred and ninety-six), applicable to the Territory of New Mexico.

[Act of March 16, 1908, ch. 88, 35 Stat. L. 44.]

[*New Mexico — school land grants, etc.*] That all the provisions of an Act of Congress approved February twenty-eighth, eighteen hundred and ninety-one, entitled "An Act to amend sections twenty-two hundred and seventy-five and twenty-two hundred and seventy-six of the Revised Statutes of the United States providing for the selection of lands for educational purposes in lieu of those appropriated for other purposes," be, and the same are hereby, made applicable to the Territory of New Mexico, and the grant of school lands to said Territory, and indemnity therefor, shall be administered and adjusted in accordance with the provisions of said Act, anything in the Act of Congress approved June twenty-first, eighteen hundred and ninety-eight, making certain grants of land to the Territory of New Mexico, and for other purposes, to the contrary notwithstanding. [35 Stat. L. 44.]

For R. S. secs. 2275 and 2276, as amended by the Act of Feb. 28, 1891, see 6 Fed. Stat. Annot. 462, 464.

An Act To provide for the extension of time within which homestead entrymen may establish their residence upon certain lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana.

[Act of March 16, 1908, ch. 88, 35 Stat. L. 44.]

[*Homestead settlers — time to establish residence on the Huntley irrigation project, Mont., extended.*] That the homestead entrymen on lands within the limits of the Huntley irrigation project, in the county of Yellowstone, in the State of Montana, opened to entry July twenty-second, nineteen hundred and seven, be, and they are hereby, granted an extension of time in which to establish their residence upon the lands so opened and filed upon until the fifteenth day of May, nineteen hundred and eight: *Provided, however*, That this Act shall in no manner affect the regularity or validity of such filings, or any of them, so made by the said entrymen on the lands aforesaid; and it is only intended hereby to extend the time for the establishment of such residence as herein provided. [35 Stat. L. 44.]

An Act To establish a United States land district in the Territory of New Mexico to be known as the Tucumcari land district.

[Act of March 16, 1908, ch. 93, 35 Stat. L. 45.]

[SEC. 1.] [*Tucumcari land district, N. Mex., established.*] That all that portion of the Territory of New Mexico bounded and described as follows: Commencing at the intersection of the fourth standard parallel north with the boundary line of the Territory of New Mexico and the State of Texas; thence

west along said fourth standard parallel north to its intersection with the third guide meridian east of New Mexico; thence south along said third guide meridian east to its intersection with the first standard parallel north; thence east along said first standard parallel north to its intersection with the boundary line of the Territory of New Mexico and the State of Texas; thence north along said boundary line to the place of beginning, be, and is hereby, constituted a new and separate land district, to be called the Tucumcari land district, the land office of which shall be located in the town of Tucumcari, county of Quay, in the Territory of New Mexico. [35 Stat. L. 45.]

SEC. 2. [*Register and receiver.*] That the President, by and with the advice and consent of the Senate, shall appoint a register and a receiver of public moneys for said district, and said officers shall reside in the place where said land office is located, and shall have the same powers and shall discharge similar duties and receive the same fees and emoluments as officers discharging like duties in the other land offices of the Territory of New Mexico. [35 Stat. L. 45.]

An Act To provide for the repayment of certain commissions, excess payments, and purchase moneys paid under the public laws.

[Act of March 26, 1906, ch. 102, 35 Stat. L. 48.]

[SEC. 1.] [*Repayment of purchase moneys, etc., in rejected entries, etc.*] That where purchase moneys and commissions paid under any public land law have been or shall hereafter be covered into the Treasury of the United States under any application to make any filing, location, selection, entry, or proof, such purchase moneys and commissions shall be repaid to the person who made such application, entry, or proof, or to his legal representatives, in all cases where such application, entry, or proof has been or shall hereafter be rejected, and neither such applicant nor his legal representatives shall have been guilty of any fraud or attempted fraud in connection with such application. [35 Stat. L. 48.]

SEC. 2. [*Reimbursement for excessive payments.*] That in all cases where it shall appear to the satisfaction of the Secretary of the Interior that any person has heretofore or shall hereafter make any payments to the United States under the public land laws in excess of the amount he was lawfully required to pay under such laws, such excess shall be repaid to such person or to his legal representatives. [35 Stat. L. 48.]

SEC. 3. [*Amounts to be certified by Secretary of Interior, etc.*] That when the Commissioner of the General Land Office shall ascertain the amount of any excess moneys, purchase moneys, or commissions in any case where repayment is authorized by this statute, the Secretary of the Interior shall at once certify such amounts to the Secretary of the Treasury, who is hereby authorized and directed to make repayment of all amounts so certified out of any moneys not otherwise appropriated and issue his warrant in settlement thereof. [35 Stat. L. 48.]

An Act Providing for second desert-land entries.

[Act of March 26, 1906, ch. 103, 35 Stat. L. 48.]

[*Forfeited desert-land entries — renewals allowed.*] That any person who prior to the passage of this Act has made entry under the desert-land laws,

but from any cause has lost, forfeited, or abandoned the same, shall be entitled to the benefits of the desert-land law as though such former entry had not been made, and any person applying for a second desert-land entry under this Act shall furnish the description and date of his former entry: *Provided*, That the provisions of this Act shall not apply to any person whose former entry was assigned in whole or in part or canceled for fraud, or who relinquished the former entry for a valuable consideration. [35 Stat. L. 48.]

An Act Limiting and restricting the right of entry and assignment under the desert-land law and authorizing an extension of time within which to make final proof.

[Act of March 28, 1908, ch. 112, 35 Stat. L. 52.]

[SEC. 1.] [*Desert lands entries restricted to surveyed lands.*] That from and after the passage of this Act the right to make entry of desert lands under the provisions of the Act approved March third, eighteen hundred and seventy-seven, entitled "An Act to provide for the sale of desert lands in certain States and Territories," as amended by the Act approved March third, eighteen hundred and ninety-one, entitled "An Act to repeal timber-culture laws, and for other purposes," shall be restricted to surveyed public lands of the character contemplated by said Acts, and no such entries of unsurveyed lands shall be allowed or made of record: *Provided, however*, That any individual qualified to make entry of desert lands under said Acts who has, prior to survey, taken possession of a tract of unsurveyed desert land not exceeding in area three hundred and twenty acres in compact form, and has reclaimed or has in good faith commenced the work of reclaiming the same, shall have the preference right to make entry of such tract under said Acts, in conformity with the public land surveys, within ninety days after the filing of the approved plat of survey in the district land office. [35 Stat. L. 52.]

For the Act of March 3, 1877, as amended by the Act of March 3, 1891, see 6 Fed. Stat. Annot. 392.

SEC. 2. [*Assignments restricted.*] That from and after the date of the passage of this Act no assignment of an entry made under said Acts shall be allowed or recognized, except it be to an individual who is shown to be qualified to make entry under said Acts of the land covered by the assigned entry, and such assignments may include all or part of an entry; but no assignment to or for the benefit of any corporation or association shall be authorized or recognized. [35 Stat. L. 52.]

SEC. 3. [*Extension of time to complete work.*] That any entrymen under the above Acts who shall show to the satisfaction of the Commissioner of the General Land Office that he has in good faith complied with the terms, requirements, and provisions of said Acts, but that because of some unavoidable delay in the construction of the irrigating works, intended to convey water to the said lands, he is, without fault on his part, unable to make proof of the reclamation and cultivation of said land, as required by said Acts, shall, upon filing his corroborated affidavit with the land office in which said land is located, setting forth said facts, be allowed an additional period of not to exceed three years, within the discretion of the Commissioner of the General Land Office, within which to furnish proof as required by said Acts of the completion of said work. [35 Stat. L. 52.]

An Act To authorize the drainage of certain lands in the State of Minnesota.

[Act of May 20, 1908, ch. 181, 35 Stat. L. 169.]

[SEC. 1.] [*Public lands in Minnesota subject to state drainage laws.*] That all lands in the State of Minnesota, when subject to entry, and all entered lands for which no final certificates have issued, are hereby made and declared to be subject to all of the provisions of the laws of said State relating to the drainage of swamp or overflowed lands for agricultural purposes to the same extent and in the same manner in which lands of a like character held in private ownership are or may be subject to said laws: *Provided*, That the United States and all persons legally holding unpatented lands under entries made under the public-land laws of the United States are accorded all the rights, privileges, and benefits given by said laws to persons holding lands of a like character in private ownership. [35 Stat. L. 169.]

SEC. 2. [*Apportionment of cost.*] That the cost of constructing canals, ditches, and other drainage works incurred in connection with any drainage project under said laws shall be equitably apportioned among all lands held in private ownership, all lands covered by unpatented entries, and all unentered public lands affected by such project; and officially certified lists showing the amount of the charges assessed against each smallest legal subdivision of such lands shall be furnished to the register and receiver of the land district in which the lands affected are located as soon as said charges are assessed, but nothing in this Act shall be construed as creating any obligation on the United States to pay any of said charges. [35 Stat. L. 169.]

SEC. 3. [*Sale for charges.*] That all charges legally assessed may be enforced against any unentered lands, or against any lands covered by an unpatented entry, by the sale of such lands subject to the same manner and under the same proceedings under which such charges would be enforced against lands held in private ownership. [35 Stat. L. 170.]

SEC. 4. [*Certificate of sale to land office.*] That when any unentered lands, or any lands covered by an unpatented entry, have been sold in the manner mentioned in this Act, a statement of such sale showing the price at which each legal subdivision was sold shall be officially certified to the register and receiver immediately after the completion of such sale. [35 Stat. L. 170.]

SEC. 5. [*Patents to purchasers on paying government price.*] That at any time after any sale of unentered lands has been made in the manner and for the purposes mentioned in this Act patent shall issue to the purchaser thereof upon payment to the receiver of the minimum price of one dollar and twenty-five cents per acre, or such other price as may have been fixed by law for such lands, together with the usual fees and commissions charged in entry of like lands under the homestead laws. But purchasers at a sale of unentered lands shall have the qualification of homestead entrymen and not more than one hundred and sixty acres of such lands shall be sold to any one purchaser under the provisions of this Act. This limitation shall not apply to sales to the State but shall apply to purchases from the State of unentered lands bid in for the State. Any part of the purchase money arising from the sale of any lands in the manner and for the purposes provided in this Act which shall be in excess of the payments herein required and of the total drainage charges assessed against such lands shall also be paid to the receiver before patent is issued. [35 Stat. L. 170.]

SEC. 6. [*Purchase of unpatented entries — payment of excess — forfeiture if charges, etc., not paid in ninety days — rights of subsequent purchaser — disposal of proceeds.*] That any unpatented lands sold in the manner and for the purposes mentioned in this Act may be patented to the purchaser thereof at any time after the expiration of the period of redemption provided for in the drainage laws under which it may be sold (there having been no redemption) upon the payment to the receiver of the fees and commissions and the price mentioned in the preceding section, or so much thereof as has not already been paid by the entryman; and if the sum received at any such sale shall be in excess of the payments herein required and of the drainage assessments and cost of the sale, such excess shall be paid to the proper county officer for the benefit of and payment to the entryman. That unless the purchasers of unentered lands shall within ninety days after the sale provided for in section three, pay to the proper receiver the fees, commissions and purchase price to which the United States may be entitled as provided in section five, and unless the purchasers of entered lands shall within ninety days after the right of redemption has expired make like payments as provided for in this section, any person having the qualifications of a homestead entryman may pay to the proper receiver for not more than one hundred and sixty acres of land for which such payment has not been made: First, the unpaid fees, commissions and purchase price to which the United States may then be entitled: and, second, the sum at which the land was sold at the sale for drainage charges, and in addition thereto, if bid in by the State, interest on the amount bid by the State at the rate of seven per centum per annum from the date of such sale, and thereupon the person making such payment shall become subrogated to the rights of such purchaser to receive a patent for said land. When any payment is made to effect such subrogation the receiver shall transmit to the treasurer of the county where the land is situated the amount at which the land was sold at the sale for drainage charges together with the interest paid thereon, if any, less any sum in excess of what may be due for such drainage charge, if the land when sold was unentered. [35 Stat. L. 170.]

SEC. 7. [*Right of appeal, etc.*] That a copy of all notices required by the drainage laws mentioned in this Act to be given to the owners or occupants of lands held in private ownership shall, as soon as such notices issue, be delivered to the register and receiver of the proper district land office in cases where unentered lands are affected thereby and to the entrymen whose unpatented lands are included therein, and the United States and such entrymen shall be given the same rights to be heard by petition, answer, remonstrance, appeal, or otherwise as are given to persons holding lands in private ownership; and all entrymen shall be given the same rights of redemption as are given to the owners of lands held in private ownership. [35 Stat. L. 171.]

SEC. 8. [*Chippewa Indian lands, Minn. — homestead entries, etc., may be made thereon — patents, etc.*] That hereafter homestead entries and final proofs may be made upon all ceded Chippewa Indian lands in Minnesota embraced in the withdrawal under the Act of June twenty-first, nineteen hundred and six, entitled "An Act making appropriations for the current and contingent expenses of the Indian Department" (Thirty-fourth Statutes at Large, page three hundred and twenty-five), and patents may issue thereon as in other homestead cases, upon the payment by the entryman of the price prescribed by law for such land and on entries on the ceded Red Lake Reservation in addition thereto

the sum of three cents per acre to repay the cost of the drainage survey thereof, which addition shall be disposed of the same as the other proceeds of said land. [35 Stat. L. 171.]

[SEC. 1.] [*Temporary assistant commissioner — temporary recorder.*]
* * * That hereafter the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to act temporarily as Assistant Commissioner of that Office during the absence of the Assistant Commissioner, or in case of a vacancy in the office of such Assistant Commissioner, or when such Assistant Commissioner is acting as Commissioner, and all acts performed by any officer or employee while acting under such designation shall have the same force and effect as if performed by said Commissioner or Assistant Commissioner.

That hereafter the Secretary of the Interior be, and he is hereby, authorized to designate an officer or employee of the General Land Office to perform temporarily the duties of the Recorder of that office in the absence of that officer and in the case of a vacancy in the office of such Recorder, and the acts of any person so designated shall have all the force and effect of an act performed by the Recorder. [35 Stat. L. 225.]

This is from the Legislative, Executive, and Judicial Appropriation Act of May 22, 1908, ch. 186.

[SEC. 1.] [*National bison range, Montana.*] * * * NATIONAL BISON RANGE: The President is hereby directed to reserve and except from the unallotted lands now embraced within the Flathead Indian Reservation, in the State of Montana, not to exceed twelve thousand eight hundred acres of said lands, near the confluence of the Pend d'Oreille and Jocko rivers, for a permanent national bison range for the herd of bison to be presented by the American Bison Society. And there is hereby appropriated the sum of thirty thousand dollars, or so much thereof as may be necessary, to enable the Secretary of the Interior to pay the confederated tribes of the Flathead, Kootenai, and Upper Pend d'Oreille, and such other Indians and persons holding tribal relations or may rightfully belong on said Flathead Indian Reservation, the appraised value of said lands as shall be fixed and determined under the provisions of the Act of Congress approved April twenty-third, nineteen hundred and four, entitled "An Act for the survey and allotment of lands now embraced within the limits of the Flathead Indian Reservation, in the State of Montana, and the sale and disposal of all surplus lands after allotment." And the Secretary of Agriculture is hereby authorized and directed to inclose said lands with a good and substantial fence and to erect thereon the necessary sheds and buildings for the proper care and maintenance of the said bison; and there is hereby appropriated therefor the sum of ten thousand dollars or so much thereof as may be necessary; in all, forty thousand dollars. [35 Stat. L. 267.]

This is from the Agricultural Department Appropriation Act of May 23, 1908, ch. 192.

An Act Authorizing a resurvey of certain townships in the State of Wyoming, and for other purposes.

[Act of May 29, 1908, ch. 220, 35 Stat. L. 465.]

[SEC. 1.] [*Public lands in Wyoming — resurvey of certain townships.*]
That the Secretary of the Interior be, and he is hereby, authorized and directed

to cause to be made in the manner now provided by law for the survey and resurvey of public lands, and from time to time as may be necessary, a resurvey of the following townships in the State of Wyoming: Townships forty-one to forty-four north, ranges eighty-one to ninety-two west, inclusive; townships forty-five to forty-eight north, ranges eighty-one to one hundred and four west, inclusive, except township forty-eight north, ranges eighty-eight to ninety-one west, inclusive; townships forty-nine to fifty-two north, ranges eighty-nine to ninety-two west, inclusive; townships fifty-three to fifty-six north, ranges one hundred and one to one hundred and three west, inclusive; townships twelve and thirteen north, range eighty-six west; townships twelve, thirteen, and fourteen north, range eighty-seven west; townships twelve to sixteen north, ranges eighty-eight to one hundred and four west, inclusive; townships seventeen to twenty-four north, ranges ninety-seven to one hundred west, inclusive; townships twelve north, ranges one hundred and five to one hundred and eight west, inclusive; townships twelve to twenty-three north, ranges one hundred and nine to one hundred and twelve west, inclusive; township twenty-four north, range one hundred and eleven west; township twenty-four north, range one hundred and fourteen west; townships seventeen to twenty north, ranges one hundred and seventeen to one hundred and twenty-one west, inclusive; township fifty-seven north, range sixty-eight west; townships fifty-four to fifty-six north, ranges eighty and eighty-one west, inclusive; all west of the sixth principal meridian. [35 Stat. L. 465.]

SEC. 2. [*Application of settlers, etc., not affected — certain regulations abrogated — present rights, etc., not impaired — inaccurate, etc., surveys — restriction.*] That nothing herein contained shall cause the applications of settlers upon other lands to be rejected, or caused to be increased the amount annually apportioned to the district of Wyoming, out of the appropriation for surveys and resurveys of public lands. And all rules and regulations of the Department of the Interior requiring petitions from all settlers on said lands asking for a resurvey and an agreement to abide by the result of the survey, so far as these lands are concerned, are hereby abrogated: *Provided*, That nothing herein contained shall be so construed as to impair the present bona fide rights or claims of any actual occupant of any of said lands so occupied to the amount of land to which, under the law, he is entitled: *Provided further*, That before any resurvey is ordered it shall be made to appear to the Secretary of the Interior that the former official survey of said lands is so inaccurate or obliterated as to make it necessary to resurvey the land, and only such parts of the land where the survey is so inaccurate or obliterated shall be resurveyed: *Provided further*, That where it is found that, at the time of the resurvey is entered upon, more than half the lands in any township have been disposed of by entry or otherwise, the resurvey in such township shall not be made; but this proviso shall not apply to lands within railroad land grant limits. [35 Stat. L. 465.]

SEC. 3. [*Kansas — lands certified to, for benefit of State Agricultural College, etc.*] [Special.]

SEC. 4. [*Oklahoma — lands granted for insane asylum.*] [Special.]

SEC. 5. [*North Dakota — authority to sell part of White Stone Hills Park.*] [Special.]

SEC. 6. [*Wisconsin Central Railroad grants — settlers ejected from, given credit for residence, etc., on making new entries.*] [Special.]

SEC. 7. [*Nebraska — additional entries by present homesteaders.*] That section two of an Act entitled "An Act to amend the homestead laws as to certain unappropriated and unreserved lands in Nebraska," approved April twenty-eighth, nineteen hundred and four, be, and the same hereby is, amended to read as follows:

"SEC. 2. That entrymen under the homestead laws of the United States within the territory above described who own and occupy the lands heretofore entered by them may, under the provisions of this Act and subject to its conditions, enter other lands contiguous to their said homestead entry, which shall not, with the land so already entered, owned, and occupied, exceed in the aggregate six hundred and forty acres; and residence continued and improvements made upon the original homestead, subsequent to the making of the additional entry, shall be accepted as equivalent to actual residence and improvements made upon the additional land so entered, but final entry shall not be allowed of such additional land until five years after first entering the same, except in favor of entrymen entitled to credit for military service." [35 Stat. L. 466.]

For sec. 2 of the Act of April 28, 1904, see 10 Fed. Stat. Annot. 359.

SEC. 8. [*Fort McPherson Military Reservation — parts of, exempt from appraised values.*] [*Special.*]

SEC. 9. [*Homestead commutations — not canceled on ground of insufficient residence — requirements — canceled certificates reinstated, etc.*] That no final certificate issued upon proof offered under the commutation provisions of the homestead laws prior to the passage of this Act shall be canceled solely upon the ground of insufficient residence in any case where such proof shows that the entryman had in good faith resided upon and approved the lands covered by his entry for at least eight months within the year immediately preceding the submission of such proof, and in all such cases where the final certificate has been canceled because of insufficient residence such certificate shall, upon application made therefor by the entryman, his heirs or assigns, within one year from the passage of this Act, be reinstated and confirmed if no fraud was practiced by the entryman and no valid adverse rights have attached to the land affected thereby at the date of the filing of such application. [35 Stat. L. 467.]

SEC. 10. [*Commuted homestead entries — certain, not to be canceled — reinstatement of canceled entries.*] That no homestead entry heretofore made under the provisions of section two of the Act of Congress entitled "An Act for the relief of the Colorado Cooperative Colony, to permit homestead entries in certain cases, and for other purposes," approved June fifth, nineteen hundred, shall be canceled for the reason that the former entry made by the entryman was commuted under the provisions of an Act entitled "An Act relating to the public lands of the United States," approved June fifteenth, eighteen hundred and eighty (Twenty-first Statutes, page two hundred and thirty-seven). And all entries heretofore canceled on the ground that an entryman who commuted under the provisions of said Act of June fifteenth, eighteen hundred and eighty, is not entitled to the benefits of the Act of June fifth, nineteen hundred, shall be reinstated upon a showing by the entryman or his heirs, within one year from the approval of this Act, that there were no valid grounds for the cancellation of such entries except that a former entry was perfected under the Act of June fifteenth, eighteen hundred and eighty, in all cases

where valid adverse rights have not attached to the lands covered by such second entries since the date of their cancellation. [85 Stat. L. 467.]

SEC. 11. [*Bitter Root Valley, Mont. — mining laws extended to all undisposed-of lands in — determining locations, etc.*] That all the provisions of the mining laws of the United States are hereby extended and made applicable to the undisposed-of lands in the Bitter Root Valley, State of Montana, above the mouth of the Lo Lo Fork of the Bitter Root River, designated in the Act of June fifth, eighteen hundred and seventy-two: *Provided*, That all mining locations and entries heretofore made or attempted to be made upon said lands shall be determined by the Department of the Interior as if said lands had been subject to mineral location and entry at the time such locations and entries were made or attempted to be made: *And provided further*, That this Act shall not be applicable to lands withdrawn for administration sites for use of the Forest Service. [85 Stat. L. 467.]

SEC. 12. [*Military land warrant, etc., patents declared valid — certain locations legalized, etc.*] That all patents heretofore issued on applications made for title to public lands between June fifth, nineteen hundred and one, and June twentieth, nineteen hundred and seven, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, be, and the same are hereby, declared valid; and that all such locations, where the applications to locate were made between June fifth, nineteen hundred and one, and June twentieth, nineteen hundred and seven, with either military bounty land warrants, agricultural college land scrip, or surveyor-general's certificates, and upon which patents have not been issued, but which may hereafter be approved for patent by the Department under the ruling in the case of Roy McDonald, December twenty-first, nineteen hundred and seven, are hereby declared legal, and the Commissioner of the General Land Office is hereby authorized and directed to issue patents on all such locations which may be approved by him for patent as above provided: *Provided*, That they are otherwise in accordance with the rules and regulations in such cases made and provided. [85 Stat. L. 468.]

SEC. 13. [*North Dakota and South Dakota — Lemmon land district established.*] That all that part of the States of North and South Dakota lying within the following-described boundaries, to wit: Commencing at a point on the boundary line between the States of North and South Dakota where the east boundary line of the county of Schnasse intersects said State line, thence due north to a point on the eighth standard parallel north; thence west on said eighth standard parallel north to a point where the boundary line between the States of North Dakota and Montana intersects the said eighth standard parallel north; thence south on the boundary line between the States of North Dakota and Montana and South Dakota and Montana to a point where the fourth standard parallel north intersects said State boundary line; thence east on the said fourth standard parallel north to the northeast corner of township sixteen north, of range nine east; thence south along the range line between ranges nine and ten east to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to a point where the same intersects the western boundary line of the county of Schnasse; thence north along the western boundary line of said county to a point where the same intersects the fifth standard parallel north; thence east along the said fifth standard parallel north to a point where the same intersects the range line between ranges twenty-three and twenty-four east; thence along said range line

to a point where the same intersects the State line between the States of North Dakota and South Dakota; thence west along the said State line to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Lemmon land district; and the United States land office for said district is hereby located at the town of Lemmon, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State. [35 Stat. L. 468.]

SEC. 14. [*Fees of registers and receivers.*] That subdivision ten of section twenty-two hundred and thirty-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Tenth. Registers and receivers are allowed jointly at the rate of fifteen cents per hundred words for testimony reduced by them to writing for claimants in establishing preemption, desert-land, and homestead rights." [35 Stat. L. 468.]

For R. S. sec. 2238, see 6 Fed. Stat. Annot. 229.

SEC. 15. [*Fees in general land office.*] That section four hundred and sixty-one of the Revised Statutes of the United States, as amended by the Act approved April second, eighteen hundred and eighty-eight, be, and the same is hereby, amended to read as follows:

"Sec. 461. All exemplifications of patents or papers on file or of record in the General Land Office which may be required by parties interested shall be furnished by the Commissioner upon payment by such parties at the rate of fifteen cents per hundred words, and thirty cents each for photolithographic copies of township plats or diagrams unverified, not to exceed ten copies to any one person, and twenty-five cents each for all copies in excess of ten, with an additional sum of one dollar for the Commissioner's certificate of verification, with the General Land Office seal; and the amount so received shall, under the direction of the Commissioner, be paid into the Treasury; but fees shall not be demanded for such authenticated copies as may be required by the officers of any branch of the Government, nor for such unverified copies as the Commissioner, in his discretion, may deem proper to furnish; but said Commissioner may, if he deem it advisable, make such charge for unverified copies as will, in his judgment, cover the cost of the preparation thereof." [35 Stat. L. 468.]

For R. S. sec. 461, see 6 Fed. Stat. Annot. 218.

SEC. 16. [*New Mexico — school land grants — compensation to selecting commission.*] That each member of the selecting commission mentioned and described in section eight of the Act of Congress approved June twenty-first, eighteen hundred and ninety-eight, entitled "An Act to make certain grants of land to the Territory of New Mexico, and for other purposes," consisting of the governor of the Territory of New Mexico, the surveyor-general of said Territory, and the attorney-general thereof, may receive from said Territory such compensation for their services as members of said commission as the legislative assemblies of said Territory may from time to time provide, not to exceed the sum of six hundred dollars each per annum. [35 Stat. L. 469.]

SEC. 17. [*Idaho — sale of land to, for state fish hatchery, etc.*] [Special.]

SEC. 18. [*Perry, Okla. — land for public buildings conveyed to.*] [*Special.*]

SEC. 19. [*Enid, Okla. — certain land granted to.*] [*Special.*]

SEC. 20. [*Dubuque, Iowa — Saint Raphael's cemetery granted to archbishop of.*] [*Special.*]

SEC. 21. [*Minnesota and Manitoba Railroad Company — may convey land on right of way to Thomas Cathcart.*] [*Special.*]

SEC. 22. [*Pawnee Indian Reservation, Okla. — disqualification of Charles A. Going to enter lands in, removed.*] [*Special.*]

SEC. 23. [*Crookston land district, Minn. — entry of lands by Walter H. Quist in, allowed.*] [*Special.*]

SEC. 24. [*Fargo land district, N. Dak. — entry of land in, by Annie Ward, formerly Annie Brown, confirmed.*] [*Special.*]

SEC. 25. [*Raleigh Brewer — title to land in Noxubee County, Miss., confirmed.*] [*Special.*]

SEC. 26. [*Gulf Lake Reservoir, Minn. — land reserved for, restored to public domain.*] [*Special.*]

SEC. 27. [*Warner Bailey — patent to assignees of — Colorado — resurvey of lands in — description.*] [*Special.*]

An Act Authorizing the creation of a land district in the State of South Dakota, to be known as the Bellefourche land district.

[*Act of Feb. 6, 1909, ch. 77, 35 Stat. L. 597.*]

[*South Dakota — Bellefourche land district established.*] That all that part of the State of South Dakota lying within the following described boundaries, to wit: Commencing at a point where the township line between townships eighteen and nineteen north intersects the boundary line between the States of South Dakota and Montana; thence east on the said township line to the northeast corner of township eighteen north, of range nine east; thence south along the range line between ranges nine and ten to a point where the same intersects the third standard parallel north; thence east on said third standard parallel north to the northeast corner of township twelve north, range eleven east; thence south along the range line between ranges eleven and twelve to where the same intersects the township line between townships six and seven north; thence west on said township line between townships six and seven to a point where the same intersects the boundary line between the States of South Dakota and Wyoming; thence north on the boundary line between the States of South Dakota and Wyoming and Montana to the point of beginning, be, and the same hereby is, constituted a new land district, to be known as the Bellefourche land district; and the United States land office for said district is hereby located at the town of Bellefourche, in Butte County. That the President be, and he hereby is, authorized to appoint, by and with the advice and consent of the Senate, a register and a receiver for said land district, and they shall be subject to the same laws and be entitled to the same compensation as is or may be hereafter provided by law in relation to the existing land offices and officers in said State. [*35 Stat. L. 597.*]

An Act To extend the time of payments on certain homestead entries in Oklahoma.

[Act of Feb. 18, 1909, ch. 147, 35 Stat. L. 636.]

[Oklahoma — time extended for payments on certain homestead entries in.]

That the time within which all unpaid payments which have heretofore, or may hereafter, become due and payable under the Act entitled "An Act to open to settlement five hundred and five thousand acres of land in Kiowa-Comanche and Apache Indian reservations in Oklahoma Territory," approved June fifth, nineteen hundred and six, and the Act entitled "An Act giving preference right to actual settlers on pastures reserve numbered three to purchase land leased to them for agricultural purposes in Comanche County, Oklahoma," approved June twenty-eighth, nineteen hundred and six, and the Act entitled "An Act to extend the time of payments on certain homestead entries in Oklahoma," approved March eleventh, nineteen hundred and eight, be, and the same is hereby, postponed and extended for one year from the date on which such payments are now by law required to be made: *Provided*, That as a condition precedent to said extension in each case the settler shall pay to the Secretary of the Interior, to be held in trust by him for the benefit of the Indians entitled thereto, four per centum on the amount of such deferred payments where the settler had no preference right, and five per centum on the amount of the deferred payment where such settler was given a preference right, but the payment of said five per centum shall be made in lieu of the interest payment required by said Act of June twenty-eighth, nineteen hundred and six.

That the Secretary of the Interior is hereby authorized, in his discretion, to extend the time of payments to the purchasers and their assigns applying therefor upon the lots sold, or to be sold, in pursuance of an Act entitled "An Act providing for the platting and selling of the south half of section thirty, township two north, range eleven west of the Indian meridian, in the State of Oklahoma, for townsite purposes," approved March twenty-seventh, nineteen hundred and eight, and the Secretary of the Interior is authorized to permit the unpaid purchase money for such lots to be paid in such installments and at such times as he may deem proper: *Provided, however*, That said purchasers or their assigns shall be required to pay interest on all such deferred payments sufficient to pay the Kiowa, Comanche, and Apache Indians four per centum interest on the payments so deferred, and to pay the local authorities entitled to receive the same the equivalent of the State, county, city, and school tax at the legal rate, upon such valuation as the Secretary of the Interior may determine, and to which the lots would be liable if patented, such extension of time not to exceed four years from the date of the approval of this Act: *Provided further*, That not exceeding one-half of the amount which may be set aside by the Secretary of the Interior, under the Act above referred to, for the construction of two school buildings may be applied by the Secretary of the Interior to such other improvements as he may deem for the public welfare. [35 Stat. L. 636.]

An Act To extend the provisions of section four of an Act entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," approved August eighteenth, eighteen hundred and ninety-four, to the Territories of New Mexico and Arizona.

[Act of Feb. 18, 1909, ch. 150, 35 Stat. L. 638.]

[SEC. 1.] [New Mexico and Arizona — desert lands grants for irrigation extended to.] That all the provisions of section four of the Act of Congress approved August eighteenth, eighteen hundred and ninety-four, being chapter

three hundred and one to Supplement to Revised Statutes of the United States, entitled "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, eighteen hundred and ninety-five, and for other purposes," and the amendments thereto be, and the same are hereby, extended to the Territories of New Mexico and Arizona, and that said Territories upon complying with the provisions of said Act shall be entitled to have and receive all of the benefits therein conferred upon the States. [35 Stat. L. 638.]

SEC. 2. [Effect.] That this Act shall be in full force and effect from and after its passage. [35 Stat. L. 638.]

For sec. 4 of the Act of Aug. 18, 1894, ch. 301, see 6 Fed. Stat. Annot. 397.

An Act To provide for an enlarged homestead.

[Act of Feb. 18, 1909, ch. 160, 35 Stat. L. 639.]

[SEC. 1.] [Enlarged homestead entries of 320 acres permitted—States and Territories affected.] That any person who is a qualified entryman under the homestead laws of the United States may enter, by legal subdivisions, under the provisions of this Act, in the States of Colorado, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, and the Territories of Arizona and New Mexico, three hundred and twenty acres, or less, of nonmineral, nonirrigable, unreserved and unappropriated surveyed public lands which do not contain merchantable timber, located in a reasonably compact body, and not over one and one-half miles in extreme length: *Provided*, That no lands shall be subject to entry under the provisions of this Act until such lands shall have been designated by the Secretary of the Interior as not being, in his opinion, susceptible of successful irrigation at a reasonable cost from any known source of water supply. [35 Stat. L. 639.]

SEC. 2. [Applications, fees, etc.] That any person applying to enter land under the provisions of this Act shall make and subscribe before the proper officer an affidavit as required by section twenty-two hundred and ninety of the Revised Statutes, and in addition thereto shall make affidavit that the land sought to be entered is of the character described in section one of this Act, and shall pay the fees now required to be paid under the homestead laws. [35 Stat. L. 639.]

For R. S. sec. 2290, see 6 Fed. Stat. Annot. 290.

SEC. 3. [Additions allowed incomplete homestead entries.] That any homestead entryman of lands of the character herein described, upon which final proof has not been made, shall have the right to enter public lands, subject to the provisions of this Act, contiguous to his former entry which shall not, together with the original entry, exceed three hundred and twenty acres, and residence upon and cultivation of the original entry shall be deemed as residence upon and cultivation of the additional entry. [35 Stat. L. 639.]

SEC. 4. [Proof of cultivation required.] That at the time of making final proofs as provided in section twenty-two hundred and ninety-one of the Revised Statutes the entryman under this Act shall, in addition to the proofs and affidavits required under the said section, prove by two credible witnesses that at least one-eighth of the area embraced in his entry was continuously cultivated

to agricultural crops other than native grasses beginning with the second year of the entry, and that at least one-fourth of the area embraced in the entry was so continuously cultivated beginning with the third year of the entry. [35 Stat. L. 639.]

For R. S. sec. 2291, see 6 Fed. Stat. Annot. 292.

SEC. 5. [*Regular homestead entries not affected.*] That nothing herein contained shall be held to affect the right of a qualified entryman to make homestead entry in the States named in section one of this Act under the provisions of section twenty-two hundred and eighty-nine of the Revised Statutes, but no person who has made entry under this Act shall be entitled to make homestead entry under the provisions of said section, and no entry made under this Act shall be commuted. [35 Stat. L. 639.]

For R. S. sec. 2289, see 6 Fed. Stat. Annot. 235.

SEC. 6. [*Utah — lands without water for domestic use — residence not required, if so designated — cultivation required.*] That whenever the Secretary of the Interior shall find that any tracts of land, in the State of Utah, subject to entry under this Act, do not have upon them such a sufficient supply of water suitable for domestic purposes as would make continuous residence upon the lands possible, he may, in his discretion, designate such tracts of land, not to exceed in the aggregate two million acres, and thereafter they shall be subject to entry under this Act without the necessity of residence: *Provided*, That in such event the entryman on any such entry shall in good faith cultivate not less than one-eighth of the entire area of the entry during the second year, one-fourth during the third year, and one-half during the fourth and fifth years after the date of such entry, and that after entry and until final proof the entryman shall reside within such distance of said land as will enable him successfully to farm the same as required by this section. [35 Stat. L. 640.]

An Act To withdraw from settlement and entry certain lands in the State of California.

[Act of Feb. 20, 1909, ch. 105, 35 Stat. L. 641.]

[SEC. 1.] [*California — public lands reserved to conserve waters of San Bernardino Valley.*] That all of the public lands in section eight, township one south, range two west, and in sections two, four, eight, ten, and twelve, in township one south, range three west, San Bernardino base and meridian, in the State of California, are hereby withdrawn from settlement and entry and reserved for the purpose of aiding in the conservation of the waters of the San Bernardino Valley: *Provided*, That this Act shall not defeat any vested right which has attached under any pending entry or location. [35 Stat. L. 641.]

SEC. 2. [*Use of waste waters, etc.*] That any individual or association of individuals or any company or corporation may have the right, under such rules and regulations as the Secretary of the Interior may prescribe, to conduct to said lands and to distribute over them any flood or waste waters not otherwise appropriated, and to build the necessary engineering works for this purpose, to the end that said flood or waste waters may sink into the sands and gravels of said lands, thereby increasing and replenishing the supply of underground waters in the San Bernardino Valley. [35 Stat. L. 641.]

An Act To permit change of entry in case of mistake of the description of tracts intended to be entered.

[Act of Feb. 24, 1909, ch. 181, 35 Stat. L. 645.]

[*Erroneous entries corrected.*] That section twenty-three hundred and seventy-two of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 2372. In all cases where an entry, selection, or location has been or shall hereafter be made of a tract of land not intended to be entered, the entryman, selector, or locator, or, in case of his death, his legal representatives, or, when the claim is by law transferable, his or their transferees, may, in any case coming within the provisions of this section, file his or their affidavit, with such additional evidence as can be procured showing the mistake as to the numbers of the tract intended to be entered and that every reasonable precaution and exertion was used to avoid the error, with the register and receiver of the land district in which such tract of land is situate, who should transmit the evidence submitted to them, in each case, together with their written opinion both as to the existence of the mistake and the credibility of every person testifying thereto, to the Commissioner of the General Land Office, who, if he be entirely satisfied that the mistake has been made and that every reasonable precaution and exertion has been made to avoid it, is authorized to change the entry and transfer the payment from the tract erroneously entered to that intended to be entered, if the same has not been disposed of and is subject to entry, or, if not subject to entry, then to any other tract liable to such entry, selection, or location; but the oath of the person interested shall in no case be deemed sufficient, in the absence of other corroborating testimony, to authorize such change of entry, nor shall anything herein contained affect the right of third persons."
[35 Stat. L. 645.]

For R. S. sec. 2372 as it read prior to this amendment, see 6 Fed. Stat. Annot. 339.

An Act To declare and enforce the forfeiture provided by section four of the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States."

[Act of Feb. 25, 1909, ch. 191, 35 Stat. L. 647.]

[*Forfeiture of certain railroad rights of way.*] That each and every grant of right of way and station grounds heretofore made to any railroad corporation under the Act of Congress approved March third, eighteen hundred and seventy-five, entitled "An Act granting to railroads the right of way through the public lands of the United States," where such railroad has not been constructed and the period of five years next following the location of said road, or any section thereof, has now expired, shall be, and hereby is, declared forfeited to the United States, to the extent of any portion of such located line now remaining unconstructed, and the United States hereby resumes the full title to the lands covered thereby free and discharged from such easement, and the forfeiture hereby declared shall, without need of further assurance or conveyance, inure to the benefit of any owner or owners of land heretofore conveyed by the United States subject to any such grant of right of way or station grounds: *Provided*, That no right of way on which construction is progressing in good faith at the time of the passage of this Act shall be in any wise affected, validated or invalidated, by the provisions of this Act. [35 Stat. L. 647.]

For the Act of March 3, 1875, see 6 Fed. Stat. Annot. 501.

An Act For the protection of the surface rights of entrymen.

[Act of March 3, 1909, ch. 270, 35 Stat. L. 844.]

[*Confirmation of entries on lands erroneously deemed nonmineral.*] That any person who has in good faith located, selected, or entered under the non-mineral land laws of the United States any lands which subsequently are classified, claimed, or reported as being valuable for coal, may, if he shall so elect, and upon making satisfactory proof of compliance with the laws under which such lands are claimed, receive a patent therefor, which shall contain a reservation to the United States of all coal in said lands, and the right to prospect for mine, and remove the same. The coal deposits in such lands shall be subject to disposal by the United States in accordance with the provisions of the coal-land laws in force at the time of such disposal, but no person shall enter upon said lands to prospect for, or mine and remove coal therefrom, without previous consent of the owner under such patent, except upon such conditions as to security for and payment of all damages to such owner caused thereby as may be determined by a court of competent jurisdiction: *Provided*, That the owner under such patent shall have the right to mine coal for use on the land for domestic purposes prior to the disposal by the United States of the coal deposit: *Provided further*, That nothing herein contained shall be held to affect or abridge the right of any locator, selector, or entryman to a hearing for the purpose of determining the character of the land located, selected, or entered by him. Such locator, selector or entryman who has heretofore made or shall hereafter make final proof showing good faith and satisfactory compliance with the law under which his land is claimed shall be entitled to a patent without reservation unless at the time of such final proof and entry it shall be shown that the land is chiefly valuable for coal. [35 Stat. L. 844.]

An Act Authorizing the necessary resurvey of public lands.

[Act of March 3, 1909, ch. 271, 35 Stat. L. 845.]

[*Necessary resurveys authorized.*] That the Secretary of the Interior may in his discretion cause to be made, as he may deem wise under the rectangular system now provided by law, such resurveys or retracements of the surveys of public lands as, after full investigation, he may deem essential to properly mark the boundaries of the public lands remaining undisposed of: *Provided*, That no such resurvey or retracement shall be so executed as to impair the bona fide rights or claims of any claimant, entryman, or owner of lands affected by such resurvey or retracement: *Provided further*, That not to exceed five per cent of the total annual appropriation for surveys and resurveys of the public lands shall be used for the resurveys and retracements authorized hereby. [35 Stat. L. 845.]

[*Rates for surveying lands to be allowed.*] * * * That in the States of California, Colorado, Idaho, Montana, Nevada, Oregon, Utah, Washington, and Wyoming, the Territories of Arizona and New Mexico, and the district of Alaska there may be allowed, in the discretion of the Secretary of the Interior, for the survey and resurvey of lands heavily timbered, mountainous, or covered with dense undergrowth, rates not exceeding twenty-five dollars per linear

mile for standard and meander lines, twenty-three dollars for township and twenty dollars for section lines; the provisions of section twenty-four hundred and eleven, Revised Statutes of the United States, authorizing allowance for surveys in California and Oregon, are hereby extended to all of the above-named States and Territories and district. [*35 Stat. L. 987.*]

This is from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.
For R. S. sec. 2411, see 6 Fed. Stat. Annot. 379.

PUBLIC MONEYS.

Act of June 19, 1906, Ch. 3434, 565.

(*Lost, etc., Checks — R. S. Sec. 3646 Amended — Disbursing Officer's Check — Duplicate of, May Be Issued — Bond — Check of Fifty Dollars or Less — Superseded*), 565.

Act of June 30, 1906, Ch. 3914, 565.

Sec. 5. *Proceeds of Public Property — Statements Made Annually to Congress*, 565.

Act of Feb. 23, 1909, Ch. 174, 566.

Lost Checks, etc. — Duplicates — Death of Issuing Officer, 566.

Act of March 4, 1909, Ch. 299, 567.

Sec. 8. *Disbursing Officers — Substitutes Authorized in Case of Illness, etc.*, 567.

9. *Commissions, etc., Unauthorized by Law — Compensation, etc., of, Forbidden*, 567.

CROSS-REFERENCES.

Deposited in National Banks, see *NATIONAL BANKS*.

Receivers for Land Offices, see *PUBLIC LANDS*.

An Act To amend section thirty-six hundred and forty-six of the Revised Statutes of the United States, as amended by Act of February sixteenth, eighteen hundred and eighty-five, as amended by Act of March twenty-third, nineteen hundred and six.

[Act of June 19, 1906, ch. 3434, 34 Stat. L. 301.]

This Act amended R. S. sec. 3646 so as to read as follows: "SEC. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check." [34 Stat. L. 301.]

For R. S. sec. 3646, as amended by the Act of Feb. 16, 1885, see 6 Fed. Stat. Annot. 563.

By the Act of March 23, 1906, ch. 1129, above referred to, this section was previously amended to read as follows:

"SEC. 3646. Whenever any original check or warrant is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such check or warrant, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original check or warrant does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such check or warrant." [34 Stat. L. 84.]

This section was also amended by the Postal Appropriation Act of May 27, 1908, ch. 206, 35 Stat. L. 415. All these amendments, however, are superseded by the Act noted below.

The present reading of this section is given *infra*, this title, where it is set forth as amended by the Act of Feb. 23, 1909, ch. 174.

SEC. 5. [*Proceeds of public property — statements made annually to Congress.*] Hereafter the Secretary of the Treasury shall require, and it shall be the duty of the head of each Executive Department or other Government estab-

lishment to furnish him, within thirty days after the close of each fiscal year, a statement of all money arising from proceeds of public property of any kind or from any source other than the postal service, received by said head of Department or other Government establishment during the previous fiscal year for or on account of the public service, or in any other manner in the discharge of his official duties other than as salary or compensation, which was not paid into the General Treasury of the United States, together with a detailed account of all payments, if any, made from such funds during such year. All such statements, together with a similar statement applying to the Treasury Department, shall be transmitted by the Secretary of the Treasury to Congress at the beginning of each regular session. [34 Stat. L. 763.]

The above section 5 is from the Sundry Civil Appropriation Act of June 30, 1906, ch. 3914.

An Act To reenact and to amend sections thirty-six hundred and forty-six and thirty-six hundred and forty-seven of the Revised Statutes.

[Act of Feb. 23, 1909, ch. 174, 35 Stat. L. 643.]

[*Lost checks, etc. — duplicates — death of issuing officer.*] That sections thirty-six hundred and forty-six and thirty-six hundred and forty-seven of the Revised Statutes be, and they hereby are, reenacted and amended to read as follows:

“Sec. 3646. Whenever any original disbursing officer's check is lost, stolen, or destroyed, the Secretary of the Treasury may authorize the officer issuing the same, after the expiration of six months and within three years from the date of such disbursing officer's check, to issue a duplicate thereof upon the execution of such bond to indemnify the United States as the Secretary of the Treasury may prescribe: *Provided*, That when such original disbursing officer's check does not exceed in amount the sum of fifty dollars the Secretary of the Treasury may authorize the issuance of a duplicate at any time after the expiration of thirty days and within three years from the date of such disbursing officer's check: *Provided further*, That whenever any original check or warrant of the Post-Office Department has been lost, stolen, or destroyed the Postmaster-General may authorize the issuance of a duplicate thereof, at any time within three years from the date of such original check or warrant, upon the execution by the owner thereof of such bond of indemnity as the Postmaster-General may prescribe: *And provided further*, That when such original check or warrant does not exceed in amount the sum of fifty dollars and the payee or owner is, at the date of the application, an officer or employee in the service of the Post-Office Department, whether by contract, designation, or appointment, the Postmaster-General may, in lieu of an indemnity bond, authorize the issuance of a duplicate check or warrant upon such an affidavit as he may prescribe, to be made before any postmaster by the payee or owner of an original check or warrant.

“Sec. 3647. In case the disbursing officer or agent by whom such lost, destroyed, or stolen original check was issued is dead or no longer in the service of the United States it shall be the duty of the proper accounting officer, under such regulations as the Secretary of the Treasury may prescribe, to state an account in favor of the owner of such original check for the amount thereof and to charge such amount to the account of such officer or agent: *Provided*, That in case a check drawn by any officer or agent of the Post-Office Department is lost, stolen, or destroyed a duplicate thereof may be issued under regulations

prescribed by the Postmaster-General, as set forth in section thirty-six hundred and forty-six." [35 Stat. L. 643.]

For the history of these sections 3646 and 3647, see the notes under the title of the Act of June 10, 1906, ch. 3434, *supra*, p. 565.

SEC. 8. [*Disbursing officers — substitutes authorized in case of illness, etc.*] In case of the sickness or unavoidable absence of any disbursing clerk or disbursing agent of any executive department, independent bureau, or office, in Washington, District of Columbia, he may, with the approval of the head of the department, independent bureau, or office, in which said disbursing clerk or agent is employed, authorize the clerk of highest grade employed therein to act in his place, and to discharge all the duties by law or regulations of such disbursing clerk or agent. The official bond given by the principal of the office shall be held to cover and apply to the acts of the person appointed to act in his place in such cases. Such acting officer shall, moreover, for the time being, be subject to all the liabilities and penalties prescribed by law for the official misconduct in like cases, of the disbursing clerk or disbursing agent, respectively, for whom he acts, and such acting officer shall be required by the head of the department, independent bureau, or office, to give bond to and in such sum as the disbursing clerk or disbursing agent may require. [35 Stat. L. 1027.]

This and sec. 9 following are from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

SEC. 9. [*Commissions, etc., unauthorized by law — compensation, etc., of, forbidden.*] That hereafter no part of the public moneys, or of any appropriation heretofore or hereafter made by Congress, shall be used for the payment of compensation or expenses of any commission, council, board, or other similar body, or any members thereof, or for expenses in connection with any work or the results of any work or action of any commission, council, board, or other similar body, unless the creation of the same shall be or shall have been authorized by law; nor shall there be employed by detail, hereafter or heretofore made, or otherwise personal services from any executive department or other government establishment in connection with any such commission, council, board, or other similar body. [35 Stat. L. 1027.]

PUBLIC OFFICERS.

Act of June 30, 1906, Ch. 3914.

Sec. 6. Salaries of Government Employees — Division — Computation — Forfeiture.

CROSS-REFERENCE.

See also *EXECUTIVE DEPARTMENTS; PENAL LAWS.*

SEC. 6. [*Salaries of government employees — division — computation — forfeiture.*] Hereafter, where the compensation of any person in the service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. [34 Stat. L. 763.]

The above sec. 6 is from the Sundry Civil Appropriation Act of June 30, 1906, ch. 3914.

The pay of surfmen in the life-saving service not to be computed according to this sec-

tion, see provision from the Act of May 27, 1908, ch. 200, 35 Stat. L. 321, given under the title LIFE SAVING, *ante*, p. 335.

The Act of June 28, 1906, ch. 3574, given in the 1907 Supplement of this work, under the title PUBLIC OFFICERS, is repealed by sec. 341 of the Act of March 4, 1909, ch. 321, given *supra*, under the title PENAL LAWS, p. 496.

PUBLIC PARKS.

Act of June 29, 1906, Ch. 3607, §69.

Sec. 1. Mesa Verde National Park, Colo. — Establishment of — Description, §69.

2. Name — Regulations — Prehistoric Ruins, §70.

3. Excavations, etc. — Restriction, §70.

4. Penalty for Destroying Ruins, etc., §70.

An Act Creating the Mesa Verde National Park.

[Act of June 29, 1906, ch. 3607, 34 Stat. L. 616.]

[SEC. 1.] [*Mesa Verde National Park, Colo. — establishment of — description.*] That there is hereby reserved from settlement, entry, sale, or other disposal, and set apart as a public reservation, all those certain tracts, pieces, and parcels of land lying and being situate in the State of Colorado, and within the boundaries particularly described as follows: Beginning at the northwest corner of section twenty-seven, township thirty-five north, range sixteen west, New Mexico principal meridian; thence easterly along the section lines to the southwest corner of the southeast quarter of section twenty, township thirty-five north, range fifteen west; thence northerly to the northwest corner of the southeast quarter of said section; thence easterly to the northeast corner of the southeast quarter of said section; thence northerly to the northwest corner of section twenty-one, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence northerly to the northwest corner of the southeast quarter of section sixteen, said township; thence easterly to the northeast corner of the southeast quarter of section fifteen, said township; thence southerly to the southeast corner of said section; thence easterly to the southwest corner of section thirteen, said township; thence northerly to the northwest corner of the southwest quarter of said section; thence easterly to the northeast corner of the southwest quarter of said section; thence northerly to the northwest corner of the northeast quarter of said section; thence easterly to the northeast corner of said section; thence northerly to the northwest corner of the southwest quarter of section seven, township thirty-five north, range fourteen west; thence easterly to the northeast corner of the southwest quarter of said section; thence northerly to the northwest corner of the southeast quarter of section six, said township; thence easterly to the northeast corner of the southwest quarter of section four, said township; thence southerly to the northwest corner of the southeast quarter of section nine, said township; thence easterly to the northeast corner of the southeast quarter of said section; thence southerly to the northwest corner of section twenty-two, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence southerly to the northwest corner of the southeast quarter of said section; thence easterly to the northeast corner of the southeast quarter of said section; thence southerly to the northwest quarter of section twenty-six, said township; thence easterly to the northeast corner of the northwest quarter of said section; thence southerly to the southeast corner of the southwest quarter of section thirty-five, said township; thence easterly to the northeast corner of section two,

township thirty-four north, range fourteen west; thence southerly along the section line between sections one and two and between sections eleven and twelve to the northern boundary of the southern Ute Indian Reservation; thence westerly along the northern boundary of said reservation to the center of section nine, township thirty-four north, range sixteen west; thence northerly along the quarter-section lines to the northwest corner of the southeast quarter of section twenty-eight, township thirty-five north, range sixteen west; thence easterly to the northeast corner of the southeast quarter of said section; thence northerly to the northwest corner of section twenty-seven, said township, the place of beginning. [34 Stat. L. 616.]

SEC. 2. [*Name — regulations — prehistoric ruins.*] That said public park shall be known as the Mesa Verde National Park, and shall be under the exclusive control of the Secretary of the Interior, whose duty it shall be to prescribe such rules and regulations and establish such service as he may deem necessary for the care and management of the same. Such regulations shall provide specifically for the preservation from injury or spoliation of the ruins and other works and relics of prehistoric or primitive man within said park: *Provided*, That all prehistoric ruins that are situated within five miles of the boundaries of said park, as herein described, on Indian lands and not on lands alienated by patent from the ownership of the United States, are hereby placed under the custodianship of the Secretary of the Interior, and shall be administered by the same service that is established for the custodianship of the park. [34 Stat. L. 617.]

SEC. 3. [*Excavations, etc. — restriction.*] That the Secretary of the Interior be, and he is hereby, authorized to permit examinations, excavations, and other gathering of objects of interest within said park by any person or persons whom he may deem properly qualified to conduct such examinations, excavations, or gatherings, subject to such rules and regulations as he may prescribe: *Provided always*, That the examinations, excavations, and gatherings are undertaken only for the benefit of some reputable museum, university, college, or other recognized scientific or educational institution, with a view to increasing the knowledge of such objects and aiding the general advancement of archaeological science. [34 Stat. L. 617.]

SEC. 4. [*Penalty for destroying ruins, etc.*] That any person or persons who may otherwise in any manner willfully remove, disturb, destroy, or molest any of the ruins, mounds, buildings, graves, relics, or other evidences of an ancient civilization or other property from said park shall be deemed guilty of a misdemeanor, and upon conviction before any court having jurisdiction of such offenses shall be fined not more than one thousand dollars or imprisoned not more than twelve months, or such person or persons may be fined and imprisoned, at the discretion of the judge, and shall be required to restore the property disturbed, if possible. [34 Stat. L. 617.]

PUBLIC PRINTING.

Res. No. 13, of March 30, 1906, 572.

Public Printing and Binding — Appropriations for, to Be Charged to Departments, etc., Where Documents Originate — Balance of Cost — Exception — Estimates of Cost — Effect, 572.

Res. No. 14, of March 30, 1906, 572.

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Sec. 2. Regular Annual Estimates for All Printing and Binding Required — Restriction — Stamped Envelopes, etc., 573.

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Estimates for All Clerks, etc., in Printing Office to Be Submitted, 577.

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Appropriation — Use of Fund — Emergencies — Report to Congress, 577.

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CROSS-REFERENCES.

Estimates of All Clerks, Employees, etc., see ESTIMATES, APPROPRIATIONS, AND REPORTS.

Printing in Indian Schools, see INDIANS.

Joint Resolution To correct abuses in the public printing and to provide for the allotment of cost of certain documents and reports.

[*Res. No. 13 of March 30, 1906, 34 Stat. L. 825.*]

[*Public printing and binding — appropriations for, to be charged to departments, etc., where documents originate — balance of cost — exception — estimates of cost — effect.*] That hereafter, in the printing and binding of documents or reports emanating from the Executive Departments, bureaus, and independent offices of the Government, the cost of which is now charged to the allotment for printing and binding for Congress, or to appropriations or allotments of appropriations other than those made to the Executive Departments, bureaus, or independent offices of the Government, the cost of illustrations, composition, stereotyping, and other work involved in the actual preparation for printing, apart from the creation of manuscript, shall be charged to the appropriation or allotment of appropriation for the printing and binding of the Department, bureau, or independent office of the Government in which such documents or reports originate; the balance of cost shall be charged to the allotment for printing and binding for Congress, and to the appropriation or allotment of appropriation of the Executive Department, bureau, or independent office of the Government, in proportion to the number delivered to each; the cost of any copies of such documents or reports distributed otherwise than through Congress, or the Executive Departments, bureaus, and independent offices of the Government, if such there be, shall be charged as heretofore: *Provided*, That on or before the first day of December in each fiscal year each Executive Department, bureau, or independent office of the Government to which an appropriation or allotment of appropriation for printing and binding is made, shall obtain from the Public Printer an estimate of the probable cost of all publications of such Department, bureau, or independent office now required by law to be printed, and so much thereof as would, under the terms of this resolution, be charged to the appropriation or allotment of appropriation of the Department, bureau, or independent office of the Government in which such publications originate, shall thereupon be set aside to be applied only to the printing and binding of such documents and reports, and shall not be available for any other purpose until all of such allotment of cost on account of such documents and reports shall have been fully paid. This resolution shall be effective on and after July first, nineteen hundred and six. [*34 Stat. L. 825.*]

Joint Resolution To prevent unnecessary printing and binding and to correct evils in the present method of distribution of public documents.

[*Res. No. 14 of March 30, 1906, 34 Stat. L. 826.*]

[*Public printing — documents, etc., to be printed in two or more editions — maximum copies — requisitions on public printer — allotments to senators and representatives not affected.*] That the Joint Committee on Printing is hereby authorized and directed to establish rules and regulations, from time to time, which shall be observed by the Public Printer, whereby public documents and reports printed for Congress, or either House thereof, may be printed in two or more editions, instead of one, to meet the public requirements: *Provided*, That in no case shall the aggregate of said editions exceed the number of copies now authorized or which may hereafter be authorized; *And provided further*, That the number of copies of any public document or report now authorized to be printed or which may hereafter be authorized to be printed for any of the

Executive Departments, or bureaus or branches thereof, or independent offices of the Government may be supplied in two or more editions, instead of one, upon a requisition on the Public Printer by the official head of such Department or independent office, but in no case shall the aggregate of said editions exceed the number of copies now authorized, or which may hereafter be authorized: *Provided further*, That nothing herein shall operate to obstruct the printing of the full number of any document or report, or the allotment of the full quota to Senators and Representatives, as now authorized, or which may hereafter be authorized, when a legitimate demand for the full complement is known to exist. [34 Stat. L. 826.]

SEC. 2. [*Regular annual estimates for all printing and binding required — restriction — stamped envelopes, etc.*] Hereafter there shall be submitted in the regular annual estimates to Congress under and as a part of the expenses for "Printing and binding," estimates for all printing and binding required by each of the Executive Departments, their bureaus and offices, and other Government establishments at Washington, District of Columbia, for each fiscal year; and after the fiscal year nineteen hundred and seven no appropriations other than those made specifically and solely for printing and binding shall be used for such purposes in any Executive Department or other Government establishment in the District of Columbia: *Provided*, That nothing in this section shall apply to stamped envelopes, or envelopes and articles of stationery other than letter heads and note heads, printed in the course of manufacture. [34 Stat. L. 762.]

The above sec. 2 is from the Sundry Civil Appropriation Act of June 30, 1906, ch. 3914.

[SEC. 1.] [*Deputy public printer — duties of office, etc.*] * * * The office of deputy public printer shall be filled by the selection and appointment by the Public Printer of a person skilled as a practical printer and versed in the art of bookbinding, and who shall perform the duties heretofore required of the chief clerk, have supervision of the buildings occupied by the Government Printing Office and perform such other duties as may be required of him by the Public Printer. [34 Stat. L. 948.]

This is from the Legislative, Executive, and Judicial Appropriation Act of Feb. 26, 1907, ch. 1635.

An Act To amend an Act providing for the public printing and binding and the distribution of public documents.

[Act of March 1, 1907, ch. 2284, 34 Stat. L. 1018.]

[SEC. 1.] [*Public printing and binding.*] That section two of the Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents, be amended to read as follows:

The section here amended is given in 6 Fed. Stat. Annot. 644.

"SEC. 2. PARAGRAPH 1. [*Joint committee on printing, to remedy delays, etc.*] That the Joint Committee on Printing shall have power to adopt such

measures as may be deemed necessary to remedy any neglect or delay in the execution of the public printing and binding.

"PAR. 2. [*Reprinting bills, etc. — limit — authority required.*] The Secretary of the Senate and the Clerk of the House of Representatives may order the reprinting in a number not exceeding one thousand copies of any pending bill or resolution, or any public law not exceeding fifty pages, or any report from any committee or Congressional commission on pending legislation not accompanied by testimony or exhibits or other appendices and not exceeding fifty pages, when the supply shall have been exhausted. The Public Printer shall require each requisition for reprinting to cite the specific authority of law for its execution.

"PAR. 3. [*Resolutions necessary for more than 1,000 copies.*] No committee of Congress shall be empowered to procure the printing of more than one thousand copies of any hearing or other document, which shall be germane thereto, for its use except by simple, concurrent, or joint resolution, as hereinafter provided.

"PAR. 4. [*Extra copies — by simple resolution — by concurrent or joint resolution — reference to committee on printing — small orders — cattle and horse reports.*] Orders for printing extra copies, otherwise than herein provided for, shall be by simple, concurrent, or joint resolution. Either House may print extra copies to the amount of five hundred dollars by simple resolution; if the cost exceeds that sum, the printing shall be ordered by concurrent resolution, except when the resolution is self-appropriating, when it shall be by joint resolution. Such resolutions, when presented to either House, shall be referred immediately to the Committee on Printing, who, in making their report, shall give the probable cost of the proposed printing upon the estimate of the Public Printer; and no extra copies shall be printed before such committee has reported: *Provided*, That the printing of additional copies may be performed upon orders of the Joint Committee on Printing within a limit of two hundred dollars in cost in any one instance: *And provided further*, That nothing in this paragraph shall be held to contravene the provisions of Public Resolution Numbered Eleven, approved March twenty-eighth, nineteen hundred and four.

"PAR. 5. [*"Extra copies" construed.*] The term 'extra copies' as used herein shall be construed to mean copies in addition to the usual number as defined in the Act providing for the public printing and binding and the distribution of public documents, approved January twelfth, eighteen hundred and ninety-five, and amendments thereto.

"PAR. 6. [*Estimates required with order to print documents — replies from Departments, etc. — exception.*] Either House may order the printing of a document not already provided for by existing law, but only when the same shall be accompanied by an estimate from the Public Printer as to the probable cost thereof. Any Executive Department, bureau, board, or independent office of the Government submitting reports or documents in response to inquiries from Congress shall submit therewith an estimate of the probable cost of printing to the usual number. Nothing in this paragraph relating to estimates shall apply to reports or documents not exceeding fifty pages.

"PAR. 7. [*Documents chargeable to Congress allotment.*] The cost of the printing of any document or report hereafter printed by order of Congress which can not under the provisions of Public Resolution Numbered Thirteen, Fifty-ninth Congress, first session, approved March thirtieth, nineteen hundred and six, be properly charged to any other appropriation or allotment of appropriation already made, it shall, upon order of the Joint Committee on Print-

ing, be charged to the allotment of appropriation for printing and binding for Congress.

"PAR. 8. [*Public printer to furnish stationery, blanks, etc., to Congress — exception.*] Stationery, blank books, tables, forms, and other necessary papers preparatory to Congressional legislation, required for the official use of the Senate and the House of Representatives, or the committees and officers thereof, shall be furnished by the Public Printer upon requisition of the Secretary of the Senate and the Clerk of the House of Representatives, respectively. This shall not operate to prevent the purchase by the officers of the Senate and House of Representatives of such stationery and blank books as may be necessary for sale to Senators and Members in the stationery rooms of the two Houses as now provided by law.

"PAR. 9. [*Binding for senators and representatives.*] Each Senator and Representative shall be entitled to the binding in half morocco, or material not more expensive, of but one copy of each public document to which he may be entitled, an account of which, with each Senator and Representative, shall be kept by the Secretary of the Senate and Clerk of the House, respectively." [34 Stat. L. 1012.]

SEC. 2. [*Publications by Congress.*]

This section is repealed by sec. 3 of the Joint Resolution of Jan. 15, 1908, given *infra*, p. 577.

SEC. 3. [*Superintendent of documents — expenses to be specifically appropriated for.*] That after June thirtieth, nineteen hundred and seven, no part of the expense of the administration of the office of superintendent of documents shall be charged to any appropriation or allotment of appropriation for the public printing and binding, but shall be otherwise specifically appropriated for; and the administration of said office of superintendent of documents shall be under the direction of the Public Printer, as heretofore. [34 Stat. L. 1014.]

SEC. 4. [*Allotment to depositories, etc. — limit — modification — land-grant colleges.*] That upon request of the superintendent of documents the Public Printer is hereby authorized and directed to either increase or diminish the number of copies of publications furnished for distribution, to designated depositories or State and Territorial libraries, so that the number of copies delivered shall be equal to the number of libraries on the list: *Provided*, That the number thus delivered shall at no time exceed the number authorized under existing statute: *And provided further*, That the allotment of five hundred and one copies furnished for distribution to libraries be increased or reduced, from time to time, as the redistricting of States or the rearrangement of depository lists under provisions of law shall demand, to such numbers as may be necessary to comply with the law: *And provided further*, That all land-grant colleges shall be constituted as depositories for public documents, subject to the provisions and limitations of the depository laws. [34 Stat. L. 1014.]

SEC. 5. [*Order to lapse if whole number not ordered in two years — subsequent editions.*] That in the printing of any document or report, or any publication authorized by law to be printed, or hereafter authorized to be printed, for distribution by Congress, the whole number of copies of which shall not have been ordered within two years from the date of the original order, the authority to print shall lapse, except as orders for subsequent editions may be approved by the Joint Committee on Printing, and then in no instance shall

the whole number exceed the number originally authorized by law. [34 Stat. L. 1014.]

SEC. 6. [*Repeal provisions.*] That section fifty-nine of the Act approved January twelfth, eighteen hundred and ninety-five, providing for the public printing and binding and the distribution of public documents, and sections eighty-one and ninety-nine of said Act, and the amendment thereto in the Act approved March second, eighteen hundred and ninety-five, Statutes at Large, volume twenty-eight, page nine hundred and sixty-one, chapter one hundred and eighty-nine, and all other laws or parts of laws in conflict with the provisions of this Act, are hereby repealed. [34 Stat. L. 1015.]

For the provisions above repealed, see title PUBLIC PRINTING, 6 Fed. Stat. Annot. 633.

Joint Resolution Amending an Act relative to the public printing and binding, approved March first, nineteen hundred and seven.

[Joint Resolution No. 3 of Jan. 15, 1908, 35 Stat. L. 565.]

[SEC. 1.] [*Printing for Congress.*] That publications ordered printed by Congress, or either House thereof, shall be in four series, namely: One series of reports made by the committees of the Senate, to be known as Senate reports; one series of reports made by the committees of the House of Representatives, to be known as House reports; one series of documents other than reports of committees, the orders for printing which originate in the Senate, to be known as Senate documents, and one series of documents other than committee reports, the orders for printing which originate in the House of Representatives, to be known as House documents. The publications in each series shall be consecutively numbered, the numbers in each series continuing in unbroken sequence throughout the entire term of a Congress, but the foregoing provisions shall not apply to the documents printed for the use of the Senate in executive session: *Provided*, That of the "usual number," the copies which are intended for distribution to State and Territorial libraries and other designated depositories of all annual or serial publications originating in or prepared by an Executive Department, bureau, office, commission, or board shall not be numbered in the document or report series of either House of Congress, but shall be designated by title and bound as hereinafter provided, and the departmental edition, if any, shall be printed concurrently with the "usual number:" *And provided further*, That hearings of committees may be printed as Congressional documents only when specifically ordered by Congress or either House thereof. [35 Stat. L. 565.]

SEC. 2. [*Binding reports, etc., for state and territorial libraries.*] That in the binding of Congressional documents and reports for distribution by the superintendent of documents to State and Territorial libraries and other designated depositories, every publication of sufficient size on any one subject shall hereafter be bound separately and receive the title suggested by the subject of the volume, and the others shall be distributed in unbound form as soon as printed. The Public Printer shall supply the superintendent of documents sufficient copies of those publications distributed in unbound form, to be bound and distributed to the State and Territorial libraries and other designated depositories for their permanent files. The library edition, as well as all other bound sets of Congressional numbered documents and reports, shall be arranged in volumes and bound in the manner directed by the Joint Committee on Printing. [35 Stat. L. 566.]

SEC. 3. [*Repeal.*] That section two of an Act to amend an Act providing for the public printing and binding, and so forth, approved March first, nineteen hundred and seven, is hereby repealed. [35 Stat. L. 566.]

Section 2 of the Act of March 1, 1907, was given on page 299 of the 1907 Supplement to Fed. Stat. Annot.

[*Estimates for all clerks, etc., in printing office to be submitted.*] The Public Printer shall submit for the fiscal year nineteen hundred and ten, and annually thereafter, estimates for all clerks and other employees additional to the foregoing who may be required in the executive or administrative offices of the Government Printing Office; and no funds other than those specifically appropriated under said estimates shall be used during said fiscal year for services in the Government Printing Office of the character specified in said estimates and appropriated for thereunder. [35 Stat. L. 382.]

This is from Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

[*Appropriation — use of fund — emergencies — report to Congress.*]
* * * That no other fund appropriated by this Act, or any other Act, shall be used for services or other purposes in the Government Printing Office, or in the office of the superintendent of documents, of the character specified in the foregoing paragraphs, except in cases of emergency arising after the passage of this Act, and then only on the written order of the Public Printer; and the aggregate of all salaries or other expenses thus paid, in addition to those specifically appropriated for above, shall be reported to Congress each year in connection with the annual estimates. [35 Stat. L. 1021.]

This and the two paragraphs following are from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

[*Compensation of foreman of binding.*] * * * The compensation of the foreman of binding, which shall hereafter be at the rate of two thousand five hundred dollars per annum; [35 Stat. L. 1021.]

[*Machine composition — maximum pay per hour.*] * * * The Public Printer may hereafter, in his discretion, pay printer linotype operators and printer monotype keyboard operators at a rate not exceeding sixty cents per hour: *Provided*, That when the exigencies of the service require that work be performed on Sunday the Public Printer may, in his discretion, pay to employees, not receiving annual salaries, not exceeding fifty per centum in addition to the regular rate paid for such work. [35 Stat. L. 1024.]

PUBLIC PROPERTY, BUILDINGS, AND GROUNDS.

Act of March 4, 1907, Ch. 2918, 578.

Sec. 1. Furniture, Use of—Regulation Plan, 578.

New Office Building for House of Representatives—Maintenance—Supervision and Control of Employees, etc.—Commission Continued—Vacancies—Annual Estimates—Regulations—Assignment of Rooms, 578.

9. Public Buildings, D. C.—Restriction on Expenses for Electricity, 579.

Act of May 30, 1908, Ch. 228, 579.

Sec. 6. Appropriations for Sites and for Buildings—Estimates for Administrative Work—Appropriations for Personal Services, etc., Immediately Available—Appointments, etc.—Statement of Names, Salaries, etc.—Supervising Architect's Office—Personal Services under Existing Laws Continued—Appropriations after July 1, 1907, Subject to This Law, 579.

34. Contracts to Limit of Cost Authorized, 580.

Act of March 4, 1909, Ch. 299, 580.

Care, etc., of Sidewalks and Carriage-ways around Buildings and Grounds, D. C., 580.

[SEC. 1.] [*Furniture, use of—regulation plan.*] * * * And all furniture now owned by the United States in other public buildings and in buildings rented by the United States shall be used, so far as practicable, whether it corresponds with the present regulation plan for furniture or not. [34 Stat. L. 1314.]

This and the paragraph following are from the Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

[*New office building for House of Representatives—maintenance—supervision and control of employees, etc.—commission continued—vacancies—annual estimates—regulations—assignment of rooms.*] * * * HOUSE OF REPRESENTATIVES OFFICE BUILDING: For maintenance, including heating, lighting, and ventilation, miscellaneous items, and for all necessary services, thirty thousand dollars. And the said office building and the employment of all service, other than officers and privates of the Capitol police, that may be appropriated for by Congress, necessary for its protection, care, and occupancy, shall be under the control and supervision of the Superintendent of the Capitol Building and Grounds, subject, until said building is completed, to the approval and direction of the Commission appointed under the sundry civil appropriation Act approved March third, nineteen hundred and three, to supervise the construction of said building; and such control and supervision by the Superintendent of the Capitol Building and Grounds shall be and continue after the completion of said building, and not later than July first, nineteen hundred and eight, subject to the approval and direction of a Commission consisting of the Speaker of the House of Representatives and two Representatives in Congress, to be appointed by the Speaker. Vacancies occurring by resignation,

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termination of service as Representatives in Congress, or otherwise in the membership of said Commission shall be filled by the Speaker, and any two members of said Commission shall constitute a quorum to do business. The Superintendent of the Capitol Building and Grounds shall submit annually to Congress estimates in detail for all services, other than officers and privates of the Capitol police, and for all other expenses in connection with said office building and necessary for its protection, care, and occupancy; and said Commissions herein referred to shall from time to time prescribe rules and regulations to govern said Superintendent in making all such employments, together with rules and regulations governing the use and occupancy of all rooms and space in said building. The assignment of rooms, in said building, to and for the official use of Representatives shall be by such method as the House of Representatives may hereafter from time to time determine. [34 Stat. L. 1365.]

SEC. 9. [*Public buildings, D. C. — restriction on expenses for electricity.*] No appropriation heretofore or hereafter made for the construction or equipment of any executive or municipal building in the District of Columbia shall be expended for the production of electricity for light or power, unless, in the judgment of the Secretary of the Treasury, such necessary electric current for light and power can not be obtained at a less cost. [34 Stat. L. 1371.]

The above sec. 9 is from the Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

SEC. 6. [*Appropriations for sites and for buildings — estimates for administrative work — appropriations for personal services, etc., immediately available — appointments, etc. — statement of names, salaries, etc. — supervising architect's office — personal services under existing laws continued — appropriations after July 1, 1907, subject to this law.*] That the appropriations made to carry into effect the provisions of legislation authorizing the acquisition of land for sites for public buildings or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, shall be deemed to be available only for the purposes specifically enumerated in said legislation, and the Secretary of the Treasury is hereby authorized and directed to submit to Congress annually detailed estimates of appropriations necessary for defraying all expenses, both in the Office of the Supervising Architect and in the field, of every kind and character incident to, or requisite for, the administrative work of carrying into effect the provisions of this or subsequent public-building Acts, so far as the same relate to public buildings under the control of the Treasury Department, such estimates to be in addition to and separate and apart from the estimates of appropriations providing specifically for the salaries of certain officers and employees in the Office of the Supervising Architect; that the appropriations for said administrative work, when made, shall be immediately available for such personal services and all other expenses and supplies, both for office and field work, as the Secretary of the Treasury may deem necessary and specially order or approve to carry into effect the provisions of this and subsequent Acts relating to the acquisition of land for sites or the enlargement thereof, or for the construction, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, including the annual appropriations under the control of the Supervising Architect: *Provided*, That such persons as may be regularly appointed and paid from such appropriations shall be subject, in all

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respects, to the laws, rules, and regulations respecting entrance into or separation from the classified civil service of the United States, and shall be employed only in the Office of the Supervising Architect or in fieldwork of construction and repair under his supervision and control, and the Secretary of the Treasury shall annually submit to Congress in the Book of Estimates a statement, showing the names of all persons whose salaries or compensation are paid from said appropriations, their duties, and the rate of compensation and the amount paid to each of them, respectively: *And provided further*, That this Act shall not be construed as rendering unavailable for the employment of personal services in the Office of the Supervising Architect, or for any other purpose now authorized by law, any of the appropriations or balances of appropriations made prior to July first, nineteen hundred and seven, for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or any of the annual appropriations under the control of the Supervising Architect. And all appropriations made in full or in part subsequent to July first, nineteen hundred and seven, for extension of the limits of cost of public buildings or sites, or for the acquisition of land for sites, or the enlargement thereof, or for the erection, enlargement, extension, remodeling, or special repairs of public buildings under the control of the Treasury Department, or for any annual appropriation under the control of the Supervising Architect, shall be subject to the provisions hereof. [35 Stat. L. 537.]

This and the following sec. 34 are from Public Buildings Act of May 30, 1906, ch. 223.

SEC. 34. [Contracts to limit of cost authorized.] That hereafter in all cases where appropriations are made in part only for carrying into effect the provisions of legislation authorizing the acquisition of land for sites or for the enlargement of sites for public buildings, or for the erection or remodeling, extension, alteration, and repairs of public buildings, the Secretary of the Treasury, unless otherwise specifically directed, be, and he is hereby, authorized and empowered to enter into contracts within the full limit of cost fixed by Congress therefor. [35 Stat. L. 545.]

See note to sec. 6, *supra*.

[Care, etc., of sidewalks and carriageways around buildings and grounds, D. C.] * * * That the application of the rules and regulations heretofore prescribed or that may be hereafter prescribed by the Chief of Engineers, United States Army, under the authority granted by section six of an Act of Congress approved July first, eighteen hundred and ninety-eight, for the government and proper care of all public grounds placed by that Act under the charge and control of the said Chief of Engineers, is hereby extended to cover the sidewalks around the public grounds and the carriageways of such streets as lie between and separate the said public grounds. [35 Stat. L. 994.]

This is from the Sanitary Civil Appropriation Act of March 4, 1909, ch. 290.
For sec. 6 of the Act of July 1, 1898, see 6 Fed. Stat. Annot. 606.

QUARANTINE

See HEALTH AND QUARANTINE

RAILROADS.

Act of March 4, 1907, Ch. 2939, 581.

- Sec. 1. Railroads—Service Hours of Employees Restricted—Meaning of Word "Railroad"—Meaning of Word "Employees," 581.*
- 2. Sixteen Hours the Maximum Continuous Service of Trainmen—Ten Consecutive Hours off Duty—Service Hours of Telegraph, etc., Operators—Period May Be Extended, 582.*
- 3. Penalty for Violation—Prosecutions—Unavoidable Accidents, etc.—Wrecking, etc., Crews, 583.*
- 4. Enforcement, 584.*
- 5. Effect, 584.*

Act of April 22, 1908, Ch. 149, 584.

- Sec. 1. Liability of Railroads for Injuries to Employees, 584.*
- 2. Damages for Injuries in Territories, District of Columbia, Canal Zone, etc., 584.*
- 3. Contributory Negligence of Employee, 585.*
- 4. Assumption of Risk of Employment, 585.*
- 5. Agreements, etc., for Exemption from Liability—Set-off of Insurance, etc., Contributions, 585.*
- 6. Time Limit for Actions, 585.*
- 7. Receivers, 585.*
- 8. Prior Laws Not Affected, 585.*

Act of May 27, 1908, Ch. 200, 588.

Railway Safety Appliance Act—Inspection of Mail Cars, 588.

Act of May 30, 1908, Ch. 225, 588.

- Sec. 1. Locomotive Ash Pan—Engines to Be Equipped with Safety Pans, 588.*
- 2. Use of Locomotives Not Equipped with, Forbidden, 588.*
- 3. Penalty for Violation—Suits—Information, 588.*
- 4. Interstate Commerce Commission to Enforce Act, 589.*
- 5. Receivers, etc., Included in Term "Common Carrier," 589.*
- 6. Exception, 589.*

CROSS-REFERENCES.

Transportation of Animals, see ANIMALS.

Encroachment on Cemetery Roads and Works, see CEMETERIES.

Grant of Lands in Indian Reservations, see INDIANS.

Interstate Commerce Act Amended, Rates, Rebates, etc., see INTERSTATE COMMERCE.

Transportation of Mails and Railway Postal Clerks, see POSTAL SERVICE.

Right of Way through Public Lands, see PUBLIC LANDS.

An Act To promote the safety of employees and travelers upon railroads by limiting the hours of service of employees thereon.

[Act of March 4, 1907, ch. 2939, 34 Stat. L. 1415.]

[SEC. 1.] [*Railroads—service hours of employees restricted—meaning of word "railroad"—meaning of word "employees."*] That the provisions of this Act shall apply to any common carrier or carriers, their officers, agents, and employees, engaged in the transportation of passengers or property by railroad in the District of Columbia or any Territory of the United States, or

from one State or Territory of the United States or the District of Columbia to any other State or Territory of the United States or the District of Columbia, or from any place in the United States to an adjacent foreign country, or from any place in the United States through a foreign country to any other place in the United States. The term "railroad" as used in this Act shall include all bridges and ferries used or operated in connection with any railroad, and also all the road in use by any common carrier operating a railroad, whether owned or operated under a contract, agreement, or lease; and the term "employees" as used in this Act shall be held to mean persons actually engaged in or connected with the movement of any train. [34 Stat. L. 1415.]

The constitutionality of this enactment was attacked in *State v. Chicago, etc., R. Co.*, (Wis.) 117 N. W. 691. It was claimed that the Act was objectionable upon the same ground as the Employers' Liability Act of 1906, which was held to be unconstitutional in *Employers' Liability Cases*, 207 U. S. 463, 52 U. S. (L. ed.) 297, 28 Sup. Ct. Rep. 141. The court said on this point: "The Act of Congress of March 4, 1907, was passed after that case had been decided in the same way in the lower court, and after a writ of error had been for some time pending in the Supreme Court, and the department of justice had asked, and been granted, right to be heard on behalf of the United States on the question of constitutionality. The contention of those who attacked the employers' liability law was doubtless well known to the Interstate Commerce Commission and to the Congress. It is therefore entirely natural and probable that an attempt would have been made to differentiate the latter enactment from the former one, and to escape the somewhat technical ground of invalidity in the former. It is without surprise, therefore, that we find such dif-

ferentiating provision in the first section, to the effect that the provisions of this Act shall apply to any common carrier or carriers, their officers, agents and employees, engaged in the transportation of passengers, etc., between the several states, and also: 'The term "employees" as used in this Act shall be held to mean persons actually engaged in or connected with the movement of any [interstate] train.' It will also be noted that the hours of employment are prescribed for 'any employee subject to this Act.' We cannot doubt that by these phrases the operation of the present Act was limited, not only to employers engaged in interstate commerce, but to the conduct of employees so engaged, to the exclusion of any who might be engaged purely in the domestic affairs of the employer, and that by this very distinction and limitation of the application of the Act the legislation is brought within that portion of the decision which holds that the Employers' Liability Act would have been valid had it been confined in application to the relation of employees while engaged in interstate commerce."

SEC. 2. [Sixteen hours the maximum continuous service of trainmen — ten consecutive hours off duty — service hours of telegraph, etc., operators — period may be extended.] That it shall be unlawful for any common carrier, its officers or agents, subject to this Act to require or permit any employee subject to this Act to be or remain on duty for a longer period than sixteen consecutive hours, and whenever any such employee of such common carrier shall have been continuously on duty for sixteen hours he shall be relieved and not required or permitted again to go on duty until he has had at least ten consecutive hours off duty; and no such employee who has been on duty sixteen hours in the aggregate in any twenty-four-hour period shall be required or permitted to continue or again go on duty without having had at least eight consecutive hours off duty: *Provided*, That no operator, train dispatcher, or other employee who by the use of the telegraph or telephone dispatches, reports, transmits, receives, or delivers orders pertaining to or affecting train movements shall be required or permitted to be or remain on duty for a longer period than nine hours in any twenty-four-hour period in all towers, offices, places, and stations continuously operated night and day, nor for a longer period than thirteen hours in all towers, offices, places, and stations operated only during the daytime, except in case of emergency, when the employees named in this proviso may be permitted to be and remain on duty for four additional hours in a twenty-four-hour period on not exceeding three days in any week: *Provided further*, The Interstate Commerce Commission may after full hearing in a particular case

and for good cause shown extend the period within which a common carrier shall comply with the provisions of this proviso as to such case. [34 Stat. L. 1416.]

SEC. 3. [*Penalty for violation — prosecutions — unavoidable accidents, etc. — wrecking, etc., crews.*] That any such common carrier, or any officer or agent thereof, requiring or permitting any employee to go, be, or remain on duty in violation of the second section hereof, shall be liable to a penalty of not to exceed five hundred dollars for each and every violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon satisfactory information being lodged with him; but no such suit shall be brought after the expiration of one year from the date of such violation; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. In all prosecutions under this Act the common carrier shall be deemed to have had knowledge of all acts of all its officers and agents: *Provided*, That the provisions of this Act shall not apply in any case of casualty or unavoidable accident or the act of God; nor where the delay was the result of a cause not known to the carrier or its officer or agent in charge of such employee at the time said employee left a terminal, and which could not have been foreseen: *Provided further*, That the provisions of this Act shall not apply to the crews of wrecking or relief trains. [34 Stat. L. 1416.]

State legislation of this character, in so far as it relates to interstate commerce, becomes inoperative and unenforceable by reason of this enactment. *State v. Missouri Pac. R. Co.*, (Mo.) 111 S. W. 500; *State v. Chicago, etc., R. Co.*, (Wis.) 117 N. W. 686.

According to some courts the federal statute superseded and invalidated the state statutes from the time of its adoption, and not from the date when it became operative. See cases cited, *supra*, in both of which it appeared that the state statute was enacted after the passage of the federal Act. In *State v. Missouri Pac. R. Co.*, (Mo.) 111 S. W. 500, 506, it was insisted that the state law was valid from June 14, 1907 (the date it went into effect) until March 4, 1908 (the date the federal law went into effect), during which time the violation charged occurred. The court said to this contention: "We must construe the federal Act by reading into its dry letter its manifest spirit and purpose. Its dry letter reads that it shall not go into effect for one year. What was the meaning of, the object to be subserved by, that suspension of the operation of the law? What, except to preserve the equities of the situation by impliedly giving common carriers engaged in interstate commerce one year in which to get a supply of experienced telegraph and telephone operators and trainmen to carry on their business without interruption and hindrance, and otherwise adjust their business affairs to the shorter hours required by that Act? When broadly judged, the federal law must be construed as a notice (in the nature of a caveat) to all state legislatures, first, that Congress has occupied the ground by its statutory regulations; second, that in its high

wisdom it has prescribed and marked out a transition or preparatory period of one year (a sort of truce period). Now, with such broad and wise purposes read into the federal Act, shall any state legislature thereafter sit in judgment upon the wisdom of such truce period, and say, in effect, 'We deem it too long and too liberal'? Shall it say, in effect, 'We see you have suspended your Act for one whole year; we find by mathematical computation there is left six months or so which we may cover by a state law, and accordingly we shall pass a law giving shorter hours than yours that will be good at least from June 14, 1907, until March 4, 1908'? If the one law grants, by necessary implication, a breathing spell, shall the other take it away? If the one chalks out a policy, may the other rub it out? In our opinion the comity that should exist between state and federal legislative power prohibits our taking that ungracious and narrow view."

But, according to other courts, the mere approval of the federal statute did not render a state act inoperative upon the theory that the former was a direct utterance of Congress under its constitutional power upon the same right, during the interim between the passage of this law and the date when it was to become operative the state statute was effective. *State v. Northern Pac. R. Co.*, (Mont.) 93 Pac. 945 (wherein it appeared that the state law was passed a month before the federal statute was adopted); *State v. Northern Pac. R. Co.*, (Wash. 1909) 102 Pac. 876 (wherein it appeared that the state law was passed after the adoption of the federal statute). In the latter case the court said: "The federal statute did not speak as a stat-

ute until after March 4, 1908, the date on which it went into effect; for if a law passed to take effect at a future day must be construed as if passed on that day, and if prior to the time it goes into effect no rights can be acquired under it and no one is bound to regulate his conduct according to its terms, it is idle to say that it has the effect of a statute between the time of its passage and the time of its taking effect. A statute cannot be both operative and inoperative at the same time. It is either a law or it is not a law, and, without special words of limitation, when it goes into effect for one purpose it goes into effect for all purposes. So with this statute it cannot be a law between the day of its passage and the day it is made to go into effect for the

purpose of superseding the state statute, and not a law for any other purpose. Undoubtedly the federal legislature could have so framed its Act as to supersede state legislation on the subject-matter involved, and at the same time have given the carriers affected a year within which to regulate their business to meet the changed conditions, but it did not do this. It postponed the operation of the entire Act for one year after its passage, leaving the field open for state legislation during that period; and, this being true, it follows as of course that the Act did not suspend or supersede the state legislation on the same subject-matter on any principle of paramount right of legislation until the end of the year."

SEC. 4. [*Enforcement.*] It shall be the duty of the Interstate Commerce Commission to execute and enforce the provisions of this Act, and all powers granted to the Interstate Commerce Commission are hereby extended to it in the execution of this Act. [34 Stat. L. 1417.]

SEC. 5. [*Effect.*] That this Act shall take effect and be in force one year after its passage. [34 Stat. L. 1417.]

An Act Relating to the liability of common carriers by railroad to their employees in certain cases.

[Act of April 22, 1908, ch. 149, 35 Stat. L. 65.]

[SEC. 1.] [*Liability of railroads for injuries to employees.*] That every common carrier by railroad while engaging in commerce between any of the several States or Territories, or between any of the States and Territories, or between the District of Columbia and any of the States or Territories, or between the District of Columbia or any of the States or Territories and any foreign nation or nations, shall be liable in damages to any person suffering injury while he is employed by such carrier in such commerce, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier, or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. [35 Stat. L. 65.]

The notes to the various sections of this Act are grouped at the close, *infra*, p. 585.

SEC. 2. [*Damages for injuries in territories, District of Columbia, canal zone, etc.*] That every common carrier by railroad in the Territories, the District of Columbia, the Panama Canal Zone, or other possessions of the United States shall be liable in damages to any person suffering injury while he is employed by such carrier in any of said jurisdictions, or, in case of the death of such employee, to his or her personal representative, for the benefit of the surviving widow or husband and children of such employee; and, if none, then of such employee's parents; and, if none, then of the next of kin dependent upon such employee, for such injury or death resulting in whole or in part from the negligence of any of the officers, agents, or employees of such carrier,

or by reason of any defect or insufficiency, due to its negligence, in its cars, engines, appliances, machinery, track, roadbed, works, boats, wharves, or other equipment. [35 Stat. L. 65.]

SEC. 3. [*Contributory negligence of employee.*] That in all actions hereafter brought against any such common carrier by railroad under or by virtue of any of the provisions of this Act to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee: *Provided*, That no such employee who may be injured or killed shall be held to have been guilty of contributory negligence in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. [35 Stat. L. 66.]

SEC. 4. [*Assumption of risk of employment.*] That in any action brought against any common carrier under or by virtue of any of the provisions of this Act to recover damages for injuries to, or the death of, any of its employees, such employee shall not be held to have assumed the risks of his employment in any case where the violation by such common carrier of any statute enacted for the safety of employees contributed to the injury or death of such employee. [35 Stat. L. 66.]

SEC. 5. [*Agreements, etc., for exemption from liability—set-off of insurance, etc., contributions.*] That any contract, rule, regulation, or device whatsoever, the purpose or intent of which shall be to enable any common carrier to exempt itself from any liability created by this Act, shall to that extent be void: *Provided*, That in any action brought against any such common carrier under or by virtue of any of the provisions of this Act, such common carrier may set off therein any sum it has contributed or paid to any insurance, relief benefit, or indemnity that may have been paid to the injured employee or the person entitled thereto on account of the injury or death for which said action was brought. [35 Stat. L. 66.]

SEC. 6. [*Time limit for actions.*] That no action shall be maintained under this Act unless commenced within two years from the day the cause of action accrued. [35 Stat. L. 66.]

SEC. 7. [*Receivers.*] That the term "common carrier" as used in this Act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier. [35 Stat. L. 66.]

SEC. 8. [*Prior laws not affected.*] That nothing in this Act shall be held to limit the duty or liability of common carriers or to impair the rights of their employees under any other Act or Acts of Congress, or to affect the prosecution of any pending proceeding or right of action under the Act of Congress entitled "An Act relating to liability of common carriers in the District of Columbia and Territories, and to common carriers engaged in commerce between the States and between the States and foreign nations to their employees," approved June eleventh, nineteen hundred and six. [35 Stat. L. 66.]

The Act of June 11, 1906, referred to in the above section, reads as follows:

"[Sec. 1.] That every common carrier engaged in trade or commerce in the District of

Columbia, or in any Territory of the United States, or between the several States, or between any Territory and another, or between any Territory or Territories and any State or

States, or the District of Columbia, or with foreign nations, or between the District of Columbia and any State or States or foreign nations, shall be liable to any of its employees, or, in the case of his death, to his personal representative for the benefit of his widow and children, if any, if none, then for his parents, if none, then for his next of kin dependent upon him, for all damages which may result from the negligence of any of its officers, agents, or employees, or by reason of any defect or insufficiency due to its negligence in its cars, engines, appliances, machinery, track, roadbed, ways, or works. [34 Stat. L. 232.]

"SEC. 2. That in all actions hereafter brought against any common carriers to recover damages for personal injuries to an employee, or where such injuries have resulted in his death, the fact that the employee may have been guilty of contributory negligence shall not bar a recovery where his contributory negligence was slight and that of the employer was gross in comparison, but the damages shall be diminished by the jury in proportion to the amount of negligence attributable to such employee. All questions of negligence and contributory negligence shall be for the jury. [34 Stat. L. 232.]

"SEC. 3. That no contract of employment, insurance, relief benefit, or indemnity for injury or death entered into by or on behalf of any employee, nor the acceptance of any such insurance, relief benefit, or indemnity by the person entitled thereto, shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee: *Provided, however*, That upon the trial of such action against any common carrier the defendant may set off therein any sum it has contributed toward any such insurance, relief benefit, or indemnity that may have been paid to the injured employee, or, in case of his death, to his personal representative. [34 Stat. L. 232.]

"SEC. 4. That no action shall be maintained under this Act, unless commenced within one year from the time the cause of action accrued. [34 Stat. L. 232.]

"SEC. 5. That nothing in this Act shall be held to limit the duty of common carriers by railroads or impair the rights of their employees under the safety-appliance Act of March second, eighteen hundred and ninety-three, as amended April first, eighteen hundred and ninety-six, and March second, nineteen hundred and three. [34 Stat. L. 232.]"

Act of June 11, 1906, unconstitutional.—The Act of April 22, 1906, ch. 149, supersedes the Act of June 11, 1906, ch. 3073, 34 Stat. L. 232, which the Supreme Court, by a division of five to four, held in *Employers' Liability Cases*, (1907) 207 U. S. 463, *affirming* *Brooks v. Southern Pac. R. Co.*, (1906) 148 Fed. 986, and *Howard v. Illinois Cent. R. Co.*, (1906) 148 Fed. 997, to be unconstitutional. The majority opinion, by Mr. Justice White, took the position that while Congress has power, under the commerce clause of the Federal Constitution, to legislate on the subject of liability of interstate carriers to their employees engaged in interstate commerce, the Act under consideration was void as attempting to include within its operation all employees of

interstate carriers, as well those engaged in intrastate as those engaged in interstate traffic; and that the subjects within and those not within the constitutional powers of Congress were so interblended in the Act that they were incapable of separation and rendered the whole statute unenforceable. With this opinion Mr. Justice Day concurred fully; the chief justice and Justices Peckham and Brewer concurred in the result reached, but not fully in the conclusions as to the power of Congress to legislate on the subject of the relations between master and servant; Mr. Justice Moody agreed with the views of the majority opinion as to the general power of Congress to legislate on the subject, and dissented from the holding that such powers had been exceeded in the Act, conceding the interpretation placed on the Act by the majority opinion; Justices Harlan and McKenna concurred all the propositions of law enunciated in the majority opinion, but dissented from the interpretation placed on the Act and took the view that it should be interpreted to apply only to cases of interstate commerce and to persons actually engaged therein at the time of injury; and Mr. Justice Holmes in effect agreed with Justices Harlan and McKenna, deeming it possible so to read the words of the Act as to limit their scope to carriers between the states while actually engaged in interstate commerce, though applying at all times to carriers within the territories and the District of Columbia.

The Act of 1906 was not only unconstitutional as to the states but also as applied to the District of Columbia and the territories. *Atchison, etc., R. Co. v. Mills*, (Tex. Civ. App.) 108 S. W. 480.

Prior to the decision by the Supreme Court the Act of 1906 had been sustained by the inferior federal courts in a number of instances. *Hall v. Chicago, etc., R. Co.*, (1906) 149 Fed. 564; *Lancet v. Anchor Line*, (1907) 165 Fed. 433. It was held that Congress has power under the commerce clause of the Federal Constitution to legislate for the safety and protection of employees engaged in interstate commerce. *Snead v. Central of Georgia R. Co.*, (1907) 161 Fed. 606; *Plummer v. Northern Pac. R. Co.*, (1907) 152 Fed. 206; *Kelley v. Great Northern R. Co.*, (1907) 153 Fed. 211. In *Spain v. St. Louis, etc., R. Co.*, (1907) 151 Fed. 522, it was held that Congress has power, under the commerce clause of the Federal Constitution, to legislate for the safety and protection of employees engaged in interstate commerce, whether on water or on land, and that the superseded Act was not void as applying to both intrastate and interstate commerce, its provisions being separable so as to be valid when invoked by an employee on a train actually engaged in interstate traffic.

That the present Act is unconstitutional has been asserted unanimously by the Connecticut Supreme Court. *Hoxie v. New York, etc., R. Co.*, (Conn. 1909) 73 Atl. 754, *following* *Mondou v. New York, etc., R. Co.*, (Conn. 1909) 73 Atl. 762. This was an action for injuries received by a train hand while coupling cars, due, it was alleged, to the negligence of a fellow servant. A demurrer to the com-

plaint was sustained and judgment was rendered for the defendant. This was affirmed, the court holding that the Act is wholly void by reason of certain of its provisions, which cannot be separated from the remainder. In arriving at this conclusion the court proceeded upon about the same reasoning as that set forth in *Employers' Liability Cases*, (1907) 207 U. S. 463, 52 U. S. (L. ed.) 436, 28 Sup. Ct. Rep. 141 (as to which see *supra*), and seems to have been governed largely by that case. It may be urged that, before considering the validity of the Act, the court concluded that the statute did not govern the proceeding in the state court, because Congress did not intend, and has no power, to make it incumbent upon the state courts to assume jurisdiction in such cases, and that, this being sufficient ground to base its decision upon, the statements as to the validity of the statute were unnecessary and hence unauthoritative. On this point in the decision the court said of the Act: "If it gives such an action, it can only be on the ground that as its terms are general, and do not exclude state courts, a right to sue in them is implied. Undoubtedly the courts of every state and of the United States together constitute in a certain sense one judicial system for the enforcement of legal rights; but it is not to be presumed that Congress would (if it could) require those of a state to enforce rights newly created by the laws of the United States, which can only be enforced by following modes of procedure not permitted by the state law, and opposed to the public policy which that law declares. *Claffin v. Houseman*, 93 U. S. 130, 136, 23 L. ed. 833. Nothing short of express provisions or necessary implications in the language of an Act of Congress could suffice to force upon a state court the exercise of a jurisdiction so incompatible with the legislation and practice which constitute its ordinary and natural rules of action."

Theory of legislation. — It has been said that the statute is "in harmony with what it is claimed is the strong trend of the public mind in nearly all civilized countries at this time. It proceeds on the theory that the railroad corporations are *quasi*-public corporations, and that the railroad company in the first place, and the public in its final analysis, should be insurers of the lives and persons of its employees while engaged in interstate commerce, for if the railroad companies are to be the insurers of their employees they must in the end be reimbursed also by their customers for whom they do the carrying business, and in its last analysis their customers are simply the public. The theory of this legislation is that the public should share the misfortunes of the families of those who are injured or killed in the *quasi*-public business in which railroads are engaged. So it is provided, in substance, where the employee is injured in the service of a railroad while engaging in interstate commerce, he shall have a cause of action for that injury, and this action he can maintain in his own name, although he may have by his own negligence contributed to the injury; but the damages in such case shall be diminished by the jury in proportion

to the amount of negligence attributable to such employee. Here the common-law doctrine of contributory negligence is abrogated in the interest of the employee and the doctrine of comparative negligence substituted, which, *pro tanto*, encourages care and diligence upon the part of the employee." *Fulgham v. Midland Valley R. Co.*, 167 Fed. 660, 663.

Nature of statute. — The superseded Act of June 11, 1906, ch. 3078, was held to be remedial and not penal in character in *Spain v. St. Louis, etc., R. Co.*, (1907) 151 Fed. 522, citing *Johnson v. Southern Pac. R. Co.*, 196 U. S. 1, and in *Kelley v. Great Northern R. Co.*, (1907) 152 Fed. 211.

Operation. — It was held that the superseded Act was intended to operate prospectively and not retrospectively. *Hall v. Chicago, etc., R. Co.*, (1906) 149 Fed. 564; *Plummer v. Northern Pac. R. Co.*, (1907) 152 Fed. 206. The Act of 1908 likewise is prospective in operation. *Winfree v. Northern Pac. R. Co.*, 164 Fed. 698; *Atchison, etc., R. Co. v. Mills*, (Tex. Civ. App.) 116 S. W. 556. In *Winfree v. Northern Pac. R. Co.*, (1908) 164 Fed. 698, the court held that this Act operates prospectively and not retrospectively; that sec. 1 creates a liability where none existed before; that sec. 4 is a radical modification of the rule relating to the assumption of risks which existed prior to its adoption; and that the language of sec. 3, "in all actions hereafter brought," was intended to refer to causes of action arising after the passage of the Act.

A strict construction must be placed upon this Act, since it is in derogation of the common law, but it must not be construed so strictly as "to defeat the obvious intention of Congress as found in the language actually used according to its true and obvious meaning." *Fulgham v. Midland Valley R. Co.*, 167 Fed. 662, quoting *Johnson v. Southern Pac. R. Co.*, 196 U. S. 1, 49 U. S. (L. ed.) 363, 25 S. Ct. 158.

An action for injuries does not survive to the personal representative of a railroad employee in case of his death. *Fulgham v. Midland Valley R. Co.*, 167 Fed. 660, wherein the court said: "It cannot be that legislation so much discussed in and out of Congress, and which had to be so carefully matured and drawn in order to meet the views of the courts, legislation, too, which inherently shows the skill of the lawyer evidently familiar with the settled principles of the common law which it modifies in the interest of justice and humanity, is not expressive of the will of Congress, or omits anything which Congress intended to do by it. It would have been so easy for Congress to have said, as the legislation of so many states had previously provided, that in the event the employee injured should die from the injury his cause of action should survive to his personal representative, that it can scarcely be conceived that the provision would have been omitted had Congress so intended. But whatever Congress may have intended, it has not done so, and the courts must confine themselves to the administration of the law, and neither add nor take from a statute where its language is clear and unambiguous."

State statutes regulating relations of em-

ployers and employees engaged in interstate commerce by railroads are superseded by this Act. *Fulgham v. Midland Valley R. Co.*, 167 Fed. 660.

Assumption of risk. — Section 3 of the superseded Act of June 11, 1906, ch. 3073, providing that "no contract of employment * * * entered into by or on behalf of any employee * * * shall constitute any bar or defense to any action brought to recover damages for personal injuries to or death of such employee," was intended to make more nearly absolute the liability of the employer. Hence, it was held that the Act precluded a special defense predicated upon an implied contract of assumption of risk, where an employee was injured by machinery negligently permitted to be in an unsafe condition. *Malloy v. Northern Pac. R. Co.*, (1907) 151 Fed. 1019.

Effect of amendment changing parties plaintiff. — Suit was instituted in a state court to recover for the death of a railroad employee by negligence. The suit was brought in the name of the plaintiff as "widow of" deceased. The cause was removed to the Cir-

cuit Court, and the plaintiff asked leave to amend the declaration so as to change the relation in which she sued from her individual capacity as widow to her representative capacity as administratrix. It was claimed by the plaintiff that the suit was brought under the federal statute (Act June 11, 1906, ch. 3073) superseded by the present Act. This the defendant denied, claiming that the action was brought under a state statute (Fla. Gen. Stat. 1906, sec. 3146) permitting suit by the widow, and recovery for her benefit alone. In this posture the court held that the suit necessarily was instituted under the state statute, because at the time of institution there was no personal representative in existence in whose name it could have been maintained under the federal statute; that the amendment changing the beneficiary did not relate back to the commencement of the action, but was in effect the bringing of a new suit, and that such new suit was barred by the one-year limitation of the section of the Act of 1906 corresponding to that above. *Hall v. Louisville, etc., R. Co.*, 157 Fed. 464.

[Railway safety appliance act — inspection of mail cars.] * * * Hereafter all inspectors employed for the enforcement of said Act [Act of March 2, 1903, ch. 196] shall also be required to make examination of the construction, adaptability, design, and condition of all mail cars used on any railroad in the United States and make report thereon, a copy of which report shall be transmitted to the Postmaster-General. [35 Stat. L. 325.]

This is from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

For the Railway Safety Appliance Act of March 2, 1903, above mentioned, see 6 Fed. Stat. Annot. 752.

An Act To promote the safety of employees on railroads.

[Act of May 30, 1908, ch. 225, 35 Stat. L. 476.]

[SEC. 1.] *[Locomotive ash pan — engines to be equipped with safety pans.]* That on and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier engaged in interstate or foreign commerce by railroad to use any locomotive in moving interstate or foreign traffic, not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive. [35 Stat. L. 476.]

SEC. 2. *[Use of locomotives not equipped with, forbidden.]* That on and after the first day of January, nineteen hundred and ten, it shall be unlawful for any common carrier by railroad in any Territory of the United States or the District of Columbia to use any locomotive not equipped with an ash pan, which can be dumped or emptied and cleaned without the necessity of any employee going under such locomotive. [35 Stat. L. 476.]

SEC. 3. *[Penalty for violation — suits — information.]* That any such common carrier using any locomotive in violation of any of the provisions of this Act shall be liable to a penalty of two hundred dollars for each and every

such violation, to be recovered in a suit or suits to be brought by the United States district attorney in the district court of the United States having jurisdiction in the locality where such violation shall have been committed; and it shall be the duty of such district attorney to bring such suits upon duly verified information being lodged with him of such violation having occurred; and it shall also be the duty of the Interstate Commerce Commission to lodge with the proper district attorneys information of any such violations as may come to its knowledge. [35 Stat. L. 476.]

SEC. 4. [*Interstate Commerce Commission to enforce Act.*] That it shall be the duty of the Interstate Commerce Commission to enforce the provisions of this Act, and all powers heretofore granted to said Commission are hereby extended to it for the purpose of the enforcement of this Act. [35 Stat. L. 476.]

SEC. 5. [*Receivers, etc., included in term "common carrier."*] That the term "common carrier" as used in this Act shall include the receiver or receivers or other persons or corporations charged with the duty of the management and operation of the business of a common carrier. [35 Stat. L. 476.]

SEC. 6. [*Exception.*] That nothing in this Act contained shall apply to any locomotive upon which, by reason of the use of oil, electricity, or other such agency, an ash pan is not necessary. [35 Stat. L. 476.]

RAPE.

See *PENAL LAWS*.

RATES.

Regulation of, see *INTERSTATE COMMERCE*.

REBATES.

See *INTERSTATE COMMERCE*.

RECEIVING STOLEN GOODS.

See *PENAL LAWS*.

RECLAMATION.

See *PUBLIC LANDS.*

RED CROSS.

See *CHARITIES.*

REPORTS.

See *ESTIMATES, APPROPRIATIONS, AND REPORTS.*

RESCUE.

See *PENAL LAWS.*

RESERVATIONS.

Indian Reservations, see INDIANS.

REVENUE.

See *CUSTOMS DUTIES; INTERNAL REVENUE.*

REVENUE MARINE — REVENUE- CUTTER SERVICE.

Act of Feb. 27, 1906, Ch. 510, 592.

Sec. 1. Revenue-cutter Service — Expenses — Office of Captain of Engineers Abolished — Appointment of Engineer-in-Chief — Rank, Pay, etc., 592.

Act of May 26, 1906, Ch. 2556, 592.

Sec. 1. Revenue-cutter Service — Regulations Governing Enlistments and Punishments, 592.

- 2. Punishments by Commander — Of Officers — Of Other Persons — Confinement — Records, 592.*
- 3. Trials by Revenue-cutter Service Courts — Composition — List of Offenses — Punishments — Of Officers — Of Other Persons — Prosecutor — Review, etc. — Sentence of Dismissal, 592.*
- 4. Place of Punishment, 593.*
- 5. Arrests, etc., for Desertion — Rewards — Re-enlistment, etc., of Deserters, 594.*
- 6. Jurisdiction of Civil Authorities, 594.*
- 7. Prosecution of Other Offenses, 594.*

Act of June 23, 1906, Ch. 3520, 594.

Sec. 1. Revenue-Cutter Service — Third Lieutenants Limited — Promotion of Cadets, 594.

- 2. Cadets — Number Allowed — Qualifications — Competitive Examinations — Disqualifications — Service Required — Dismissals, 594.*
- 3. Second Assistant Engineers — Probationary Term — Age Requirement, 595.*
- 4. Civilian Instructors, 595.*
- 5. Pay Accounts, 595.*
- 6. Constructor — Commission, Pay, etc. — No Vacancy Created, 595.*

Act of April 16, 1908, Ch. 145, 595.

Sec. 1. Appointment of Officers Authorized, 595.

- 2. Selections Made from Active List — Vacancies, 596.*
- 3. Reduction in Active List, 596.*
- 4. Examinations for Promotion, 596.*
- 5. Civil War Officers — Rank and Pay on Retirement, 597.*
- 6. Retired Chief of the Division, 597.*
- 7. Constructor or Surgeon — Pay and Allowances, 597.*
- 8. Enlisted Force — Pay Increased — Examination — Waiting Orders — Assignment, 597.*
- 9. Eligibility for Promotion, 597.*
- 10. Title of Engineers — Precedence, 597.*
- 11. Enlisted Men — Allowance for Clothing, 598.*
- 12. Oaths, 598.*
- 13. Increase of Officers, 598.*
- 14. Repeal, 598.*

Act of May 27, 1908, Ch. 200, 598.

No Pension to Be Allowed, 598.

CROSS-REFERENCE.

Removal of Derelicts, see WRECKS AND WRECKERS.

[Act of Feb. 27, 1906, ch. 510.]

[SEC. 1.] *[Revenue-cutter service — expenses — office of captain of engineers abolished — appointment of engineer-in-chief — rank, pay, etc.]*
 * * * To supply a deficiency in the appropriation for expenses of Revenue-Cutter Service for the fiscal year ended June thirtieth, nineteen hundred and four, one thousand two hundred and seventy-seven dollars and fifty-two cents: *Provided*, That the office of Captain of Engineers in the Revenue-Cutter Service of the United States is hereby abolished from the date of the death of the late incumbent thereof, and that on and after the passage of this Act, the President may select and appoint, by and with the advice and consent of the Senate, a chief engineer of said service, who has served not less than three years in that grade, as Engineer-in-Chief of the Revenue-Cutter Service, for a period of four years, and no longer, unless reappointed or sooner retired by reason of age or disability; *And provided further*, That the Engineer-in-Chief thus appointed shall thereafter receive the rank, pay, and allowances, while holding said appointment, that are now or may hereafter be prescribed for a Captain of the Revenue-Cutter Service, but nothing herein shall operate to increase the number of Chief Engineers now in the Revenue-Cutter Service. [34 Stat. L. 30.]

This is from the Urgent Deficiency Appropriation Act of Feb. 27, 1906, ch. 510.

An Act To regulate enlistments and punishments in the United States Revenue-Cutter Service.

[Act of May 26, 1906, ch. 2556, 34 Stat. L. 200.]

[SEC. 1.] *[Revenue-cutter service — regulations governing enlistments and punishments.]* That all persons composing the enlisted force of the Revenue-Cutter Service shall be enlisted for a term not to exceed three years, in the discretion of the Secretary of the Treasury, who shall prepare regulations governing such enlistments and for the general government of the Service. [34 Stat. L. 200.]

SEC. 2. *[Punishments by commander — of officers — of other persons — confinement — records.]* That no commander of a vessel of the Revenue-Cutter Service shall inflict upon any commissioned or warrant officer under his command any other punishment than private reprimand, suspension from duty, arrest, or confinement, and such suspension, arrest, or confinement shall not continue longer than ten days, unless a further period be necessary to bring the offender to trial; nor shall he inflict or cause to be inflicted upon any other person under his command for a single offense, or at any one time, any other punishment than confinement, with or without single irons, on board ship; confinement, on bread and water, with or without single irons, on board ship; deprivation of liberty on shore for a period not exceeding three months; extra duties, and, in case of absence without leave falling short of desertion, forfeiture of two days' pay for each day of unauthorized absence: *Provided*, That such confinement shall not continue longer than ten days, unless further confinement be necessary to bring the offender to trial, and, when on bread and water, a full ration shall be served every third day: *Provided*, That all punishments inflicted by the commander or by his order, except reprimand, shall be fully entered upon the ship's log. [34 Stat. L. 200.]

SEC. 3. *[Trials by revenue-cutter service courts — composition — list of offenses — punishments — of officers — of other persons — prosecutor — review, etc. — sentence of dismissal.]* That offenses against the discipline of the Revenue-Cutter Service too grave in character to be adequately dealt with

directly by the commanding officer, as hereinbefore provided, may be punished by Revenue-Cutter Service courts, to be convened by or under the direction of the Secretary of the Treasury. Such courts shall consist of not less than three commissioned officers of the Revenue-Cutter Service, and shall, under rules approved by the Secretary of the Treasury, be governed in their organization and procedure substantially in accordance with naval courts, but the jurisdiction of Revenue-Cutter Service courts shall be limited to the following offenses, namely: Disobeying lawful order of superior officer, refusing to obey lawful order of superior officer; striking, assaulting, or attempting or threatening to strike or assault a superior officer while in the execution of the duties of his office; drunkenness on duty; drunkenness; gambling; misappropriation of mess funds; misuse of Government property or supplies; fraudulently signing vouchers; theft in an amount under one hundred dollars; scandalous conduct tending to the destruction of good morals; desertion; absence from duty without leave or after leave has expired; neglect of duty; conduct unbecoming an officer and a gentleman; malicious or willful destruction of public property; aiding or enticing others to desert; smuggling liquor on board a vessel of the Revenue-Cutter Service; cruelty toward or oppression or maltreatment of any subordinate person in the Service; using obscene or abusive language; violating or refusing obedience to any lawful order or regulation issued by the Secretary of the Treasury or the President. Such courts shall have power to impose upon a commissioned officer none other than the following punishments, namely: Summary dismissal from the Service; suspension from duty for a period of two years or any part thereof upon reduced pay, which shall in no case be less than one-half nor more than three-fourths of the duty pay of such officer; reduction of rank in his own grade; retention of his present number on the official register for a specified time; imprisonment for a period not to exceed two years; official reprimand. The only punishments that may be imposed by such courts upon any person in the Revenue-Cutter Service other than a commissioned officer shall be the following, namely: Dishonorable discharge; forfeiture of not to exceed two months' pay; imprisonment on land for a period not to exceed one year; confinement aboard ship not to exceed one month; confinement in single irons, on bread and water, or on diminished rations, not exceeding thirty days, but a full ration shall in all cases be given at least every third day; confinement in single irons; reduction to next inferior rating; deprivation of liberty for a period not to exceed three months; extra duties, and the imposing of these punishments will be regulated in accordance with rules prescribed by the Secretary of the Treasury. A commissioned officer of the said service may be designated by the convening authority as official prosecutor to prosecute the case in the interests of the Government, and whose general powers and duties will be prescribed by the Secretary of the Treasury. The proceedings, findings, and sentences of Revenue-Cutter Service courts shall be subject to review by the Secretary of the Treasury, as the convening authority, and the records of such courts shall be filed in the division of Revenue-Cutter Service, Treasury Department, and no sentence of such court shall be carried into effect until approved by the said Secretary: *Provided*, That in the case of a commissioned officer a sentence of dismissal shall not be carried into effect until approved by the President of the United States. [34 Stat. L. 200.]

SEC. 4. [*Place of punishment.*] That the Secretary of the Treasury may designate, as the place of execution of the sentence of a Revenue-Cutter Service court involving imprisonment, any prison or penitentiary that receives Federal prisoners. [34 Stat. L. 201.]

SEC. 5. [*Arrests, etc., for desertion — rewards — re-enlistment, etc., of deserters.*] That it shall be lawful for the commanding officer of a vessel of the Revenue-Cutter Service to apprehend and arrest or cause to be apprehended and arrested, by the force under his command, a deserter from the Revenue-Cutter Service wherever found, and shall have authority to call upon all persons to assist in such arrests, and all persons so assisting are hereby invested with the power and authority of deputy United States marshals, and shall deliver the offender on board of the vessel from which he deserted: *Provided*, That a reward for the apprehension and delivery of a deserter from the Revenue-Cutter Service, as hereinbefore provided, not to exceed fifteen dollars, may be offered by the commanding officer of the vessel from which the person deserted, and this reward, or any part thereof, may be deducted and paid from money due said deserter: *Provided*, That no person who has deserted from the Revenue-Cutter Service shall afterwards be employed in said Service, or enlisted in any other military or naval service under the United States, unless he shall have delivered himself aboard the vessel from which he deserted, or been apprehended, and the disability shall have been removed by a board of commissioned officers of the said Service convened for a consideration of the case, and the action of the said board shall have been approved by the Secretary of the Treasury. [34 Stat. L. 201.]

SEC. 6. [*Jurisdiction of civil authorities.*] That the jurisdiction conferred by this Act for the punishment of offenses against the discipline of the Revenue-Cutter Service shall not be regarded as exclusive, but offenders may, in the discretion of the Secretary of the Treasury, be turned over to the civil authorities for trial by any court having jurisdiction of the offense. [34 Stat. L. 201.]

SEC. 7. [*Prosecution of other offenses.*] That for offenses against the laws of the United States other than those specified in this Act, offenders shall be turned over to the civil authorities for trial. [34 Stat. L. 201.]

An Act To promote the efficiency of the Revenue-Cutter Service.

[Act of June 23, 1902, ch. 3520, 34 Stat. L. 452.]

[SEC. 1.] [*Revenue-cutter service — third lieutenants limited — promotion of cadets.*] That on and after the passage of this Act the number of officers on the active list in the grade of third lieutenant in the Revenue-Cutter Service shall not exceed thirty-seven: *Provided*, That until such time as the grade of third lieutenant shall be filled as provided in this Act there may be advanced to that grade any cadet of the line who has served not less than two years as such cadet, and is recommended for advancement by the Secretary of the Treasury. [34 Stat. L. 452.]

SEC. 2. [*Cadets — number allowed — qualifications — competitive examinations — disqualifications — service required — dismissals.*] That hereafter the number of cadets of the line allowed in the Revenue-Cutter Service shall be such as to provide for filling the vacancies that may occur in the grade of third lieutenant in said Service: *Provided*, That a person to be eligible for appointment as a cadet of the line shall produce satisfactory evidence of good moral character, shall be not less than eighteen nor more than twenty-four years of age at the time of appointment, and shall pass a satisfactory physical examination by a board of officers of the Public Health and Marine-Hospital Service,

and a satisfactory educational examination, which must in all cases be written and strictly competitive, by a board of commissioned officers of the Revenue-Cutter Service, both examinations to be conducted under such regulations as shall be prescribed by the Secretary of the Treasury: *Provided*, That no person who has been dismissed or compelled to resign from the Military Academy or from the Naval Academy of the United States for hazing, or for any other improper conduct, shall be eligible for appointment as a cadet in the Revenue-Cutter Service: *Provided*, That no person shall become a cadet of the line who does not obligate himself, in such manner as the Secretary of the Treasury may prescribe, to serve at least three years as an officer in said Service after graduation, if his services be so long required: *And provided further*, That the Secretary of the Treasury may summarily dismiss from the Service any cadet who, during his probationary term, is found unsatisfactory in either studies or conduct, or may be deemed not adapted for a career in the Service. [34 Stat. L. 452.]

SEC. 3. [*Second assistant engineers — probationary term — age requirement.*] That hereafter appointments into the grade of second assistant engineer in the Revenue-Cutter Service shall be as at present, except that, before being commissioned, the candidate who has successfully passed the required examinations shall serve a probationary term of not less than six months as a cadet engineer to determine his fitness for a commission in said Service, and during which probationary term he shall receive a salary of seventy-five dollars per month and one ration per day: *Provided*, That no person shall be commissioned a second assistant engineer who is less than twenty-one or more than twenty-six years of age, nor until he shall have served the probationary term herein required. [34 Stat. L. 452.]

SEC. 4. [*Civilian instructors.*] The Secretary of the Treasury is hereby authorized to employ two civilian instructors in the Revenue-Cutter Service, one at a salary of two thousand dollars per annum and one at a salary of one thousand eight hundred dollars per annum. [34 Stat. L. 453.]

SEC. 5. [*Pay accounts.*] That hereafter it shall not be necessary for any commissioned officer of the Revenue-Cutter Service to make oath to his pay accounts. [34 Stat. L. 453.]

SEC. 6. [*Constructor — commission, pay, etc. — no vacancy created.*] That a chief engineer of the Revenue-Cutter Service, to be selected for his special ability in naval construction from the present list of chief engineers by the Secretary of the Treasury, may be commissioned a constructor for engineering duty in said Service with the rank, pay, and emoluments now provided by law for a chief engineer: *Provided*, That the vacancy created in the list of chief engineers by such transfer shall not be filled by promotion or otherwise, but the number of chief engineers now authorized by law shall be reduced by one, and that no additional expense shall be incurred by reason of commissioning such chief engineer a constructor. [34 Stat. L. 453.]

AN ACT TO increase the efficiency of the personnel of the Revenue-Cutter Service.

[Act of April 16, 1906, ch. 145, 35 Stat. L. 61.]

[SEC. 1.] [*Appointment of officers authorized.*] That on and after the passage of this Act the President be, and is hereby, authorized to appoint in the Revenue-Cutter Service, by and with the advice and consent of the Senate, one

captain commandant for a period of four years who may be reappointed for further periods of four years each, who shall act as chief of the division of Revenue-Cutter Service, with the rank of a colonel in the Army and a captain in the Navy, and who shall have the pay and allowances of a colonel in the Army; six senior captains, who shall perform duty in connection with the construction of vessels and the inspection of their armament and crews and such other duties as the Secretary of the Treasury or the President may prescribe, each with the rank of a lieutenant-colonel in the Army and a commander in the Navy, and who shall each have the pay and allowances of a lieutenant-colonel in the Army; one engineer in chief for a period of four years who may be reappointed for further periods of four years each, with the rank of a lieutenant-colonel in the Army and a commander in the Navy, and who shall have the pay and allowances of a lieutenant-colonel in the Army; and six senior engineers, who shall perform duty in connection with the construction and inspection of the machinery of vessels and such other duties as the Secretary of the Treasury may prescribe, each with the rank of a major in the Army and a lieutenant-commander in the Navy, and who shall each have pay and allowances of a major in the Army: *Provided*, That the position vacated by an officer appointed captain commandant or engineer in chief shall be filled by promotion according to existing law. That any officer who shall hereafter serve as captain commandant shall, when retired, be retired with the rank of captain commandant and with the pay of a colonel in the Army on the retired list, and that an officer whose term of service as captain commandant has expired may be appointed a senior captain and shall be an additional number in that grade, but if not so appointed, he shall resume the lineal position he would have held in his previous grade, as an additional number: *Provided further*, That any officer who shall hereafter serve as engineer in chief shall, when retired, be retired with the rank of engineer in chief and with the pay of a lieutenant-colonel in the Army on the retired list, and that an officer whose term of service as engineer in chief has expired may be appointed a senior engineer and shall be an additional number in that grade, but if not so appointed, he shall resume the lineal position he would have held in his previous grade, as an additional number. Additional numbers in the grades of senior captain and senior engineer shall at no time exceed two in each grade on the active list. [35 Stat. L. 61.]

SEC. 2. [*Selections made from active list—vacancies.*] That the captain commandant shall be selected from the active list of line officers not below the grade of captain; that the six senior captains shall be made by promotion from the active list of captains in the order of seniority; that the engineer in chief shall be selected from the active list of engineer officers not below the rank of first lieutenant; that the six senior engineers shall be made by promotion from the active list of engineer officers of the rank of first lieutenant in the order of seniority. When a vacancy occurs in any of the grades created by this Act, it shall be filled in accordance with the provisions of this section. [35 Stat. L. 62.]

SEC. 3. [*Reduction in active list.*] That when the appointment herein provided are made the active list of captains in the Revenue-Cutter Service shall be reduced by six and the active list of engineer officers with the rank of first lieutenant by six, and the said lists shall remain thereafter at thirty-one and twenty-eight, respectively. [35 Stat. L. 62.]

SEC. 4. [*Examinations for promotion.*] That the examinations and requirements for promotion provided in section eight of the Act approved April

twelfth, nineteen hundred and two, entitled "An Act to promote the efficiency of the Revenue-Cutter Service," shall not be required for promotion to the grades created by this Act. [35 Stat. L. 62.]

SEC. 5. [*Civil war officers — rank and pay on retirement.*] That any officer of the Revenue-Cutter Service with a creditable record who served during the civil war in the land or naval forces of the United States shall, when retired, have the rank and receive three-fourths of the duty pay and increase of the next higher grade; and the provisions of this section shall apply to officers of the said Service now on the retired list. [35 Stat. L. 62.]

SEC. 6. [*Retired chief of the division.*] That the captain now on the retired list who served as chief of the division of Revenue-Cutter Service for ten years and until March twenty-sixth, nineteen hundred and five, shall have the rank and receive three-fourths of the duty pay and increase of the highest grade provided for in this Act. [35 Stat. L. 62.]

SEC. 7. [*Constructor or surgeon — pay and allowance.*] That a constructor or surgeon, with the rank of first lieutenant, after fifteen years' service in the Revenue-Cutter Service shall have the pay and allowances of a captain. [35 Stat. L. 62.]

SEC. 8. [*Enlisted force — pay increased — examination — waiting orders — assignment.*] That the pay of the enlisted force of the Revenue-Cutter Service shall be increased twenty per centum over the pay that they are now receiving. That all warrant and petty officers of the Revenue-Cutter Service shall receive ten per centum increase of pay for every five years of service as such warrant or petty officers, such increase not to exceed forty per centum of the pay of their grade or rating: *Provided*, That no warrant or petty officer shall be appointed or rated as such without a suitable examination or period of probation to determine his fitness for his grade or rating. That an enlisted man or a warrant or petty officer who has served thirty years in the Service shall, upon suitable application, be placed on waiting orders and receive seventy-five per centum of the pay and increase of his grade or rating: *Provided*, That such enlisted man, warrant or petty officer may be assigned to such duties as he may be able to perform. [35 Stat. L. 62.]

SEC. 9. [*Eligibility for promotion.*] That a third lieutenant or an engineer officer with the rank of third lieutenant who has served five years in his grade shall, upon passing the examinations now required by law, be eligible to promotion to the next higher grade: *Provided*, That there shall be no increase in the total number of lieutenants nor in the total number of engineer officers below the rank of first lieutenant authorized by law: *Provided further*, That nothing in this section shall be construed to prevent promotions to fill vacancies as now provided by law. [35 Stat. L. 63.]

SEC. 10. [*Title of engineers — precedence.*] That engineer officers who now have or who may hereafter have the rank of captain, first lieutenant, second lieutenant, or third lieutenant in the Revenue-Cutter Service shall hereafter have the title of captain of engineers, first lieutenant of engineers, second lieutenant of engineers, and third lieutenant of engineers, respectively, and the titles of chief engineer, first assistant engineer, and second assistant engineer are hereby abolished. That precedence between line and engineer officers of the same rank shall be determined by length of continuous service as a commissioned officer. [35 Stat. L. 63.]

REVENUE MARINE — REVENUE-CUTTER SERVICE.

SEC. 11. [*Enlisted men — allowance for clothing.*] That an enlisted man upon first entering the Revenue-Cutter Service shall have credited to his account the sum of forty-five dollars, and upon each subsequent enlistment the sum of twenty dollars, for uniform clothing, and such amount shall be paid to said enlisted man at the expiration of his term of enlistment if he has served a full term as prescribed by the Secretary of the Treasury and has received an honorable discharge. [35 Stat. L. 68.]

SEC. 12. [*Oaths.*] That the presidents and recorders of Revenue-Cutter Service courts and commanding officers of vessels of the Revenue-Cutter Service be, and are hereby, authorized to administer oaths of allegiance and such other oaths as may be necessary for the proper conduct of said Service; and that commanding officers of vessels of the Revenue-Cutter Service be, and are hereby, authorized to administer oaths generally in Alaska. [35 Stat. L. 68.]

SEC. 13. [*Increase of officers.*] That the number of officers allowed in the grades of second lieutenant and third lieutenant and second lieutenant of engineers and third lieutenant of engineers is hereby increased five in each of said grades. [35 Stat. L. 68.]

SEC. 14. [*Repeal.*] That all Acts or parts of Acts inconsistent herewith are hereby repealed. [35 Stat. L. 68.]

[*No pension to be allowed.*] * * * That hereafter no pension shall be allowed or paid to any commissioned officer, warrant officer, or enlisted man in the Revenue-Cutter Service either on the active or retired list. [35 Stat. L. 322.]

This is from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

RIVERS, HARBORS, AND CANALS.

Act of March 23, 1906, Ch. 1180, 600.

- Sec. 1. Bridges — General Provisions for Constructing, over Navigable Waters — Secretary of War to Approve Plans, etc. — Modification of Plans Restricted, 600.*
- 2. Lawful Structures and Post Routes — Telegraph, etc., Rights, 601.*
- 3. Use by Other Companies — Compensation, 601.*
- 4. Unobstructed Navigation — Changes — Lights, etc. — Opening Draw — Tolls, 601.*
- 5. Noncompliance with Regulations a Misdemeanor — Penalty — Litigation, 601.*
- 6. Time of Construction, 602.*
- 7. Meaning of "Persons," 602.*
- 8. Amendment, etc., 602.*

Act of April 26, 1906, Ch. 1874, 603.

- Sec. 1. Saint Marys River — Anchorage, etc., of Vessels in — Secretary of Commerce and Labor to Prescribe Rules, etc. — Detail of Revenue Cutters, 603.*
- 2. Penalty Modified — Remission of Fine — Rules to Prevent Collisions Not Affected, 603.*

Act of May 16, 1906, Ch. 2465, 603.

Rivers and Harbors — Condemnation of Land for Improvement of, at Private Expense — Proceedings — Expenses — Bond, 603.

Act of June 21, 1906, Ch. 3508, 604.

- Sec. 1. Dams — Regulations for Constructing, over Navigable Waters — Approval of Secretary of War and Chief of Engineers — Changes — Conditions — Approaches, etc., to Locks — Water Power, 604.*
- 2. Rights Reserved for Navigation, 604.*
- 3. Flowage, etc., Damages — Lights, Fishways, etc., 604.*
- 4. Forfeiture of Rights, 605.*
- 5. Punishment for Noncompliance with Orders, etc. — Removal, etc. — Litigation, 605.*
- 6. Time of Construction, 605.*
- 7. Right to Alter, etc., Reserved, 605.*
- 8. Meaning of "Persons," 606.*

Act of June 29, 1906, Ch. 3621, 606.

- Sec. 1. Niagara Falls — Preservation of — Diversion of Waters, 606.*
- 2. Permits Granted by Secretary of War — Transmission of Power — Restrictions — Revocable Permits for Additional Water — Additional Electrical Power — Limit — Effect of Limitation — Regulations — Permits May Specify Persons, etc., 606.*
- 3. Unlawful Diversion of Waters — Penalty — Removal of Structures, etc., 607.*
- 4. Treaty with Great Britain, 607.*
- 5. Termination of All Permits, 607.*
- 6. Appropriation, 607.*
- 7. Amendment, 608.*

Act of June 29, 1906, Ch. 3628, 608.

Rivers and Harbors — Condemnation of Land for Improvement of — Securing Land, etc., by Private Parties — Construction, etc., of Dams, Locks, etc. — Proceedings — Expenses — Bond, 608.

Act of March 2, 1907, Ch. 2509, 608.

- Sec. 5. Dredges on Great Lakes, etc. — Restriction Repealed — Dredging Plants Authorized, 608.*

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Act of May 28, 1908, Ch. 212, 609.

Sec. 8. Regulations Concerning New York Harbor, 609.

Act of March 3, 1909, Ch. 284, 611.

Sec. 5. Mississippi River — Regulation of Navigation of South and Southwest Passes — Channels Embraced — Penalty for Violations, 611.

6. Free Passage through Locks, Canals, and Canalized Rivers — Permanent Appropriation for Maintenance, 611.

14. Office of Chief of Engineers — Employment of Professional Assistants Authorized, 612.

ISTHMIAN CANAL.

Act of Dec. 21, 1905, Ch. 3, 612.

Sec. 1. Isthmian Canal — Rights, etc., Accorded Bonds Issued for Construction of — Taxes — R. S. Sec. 5214, 612.

2. Appropriation for Continuing Construction — Reimbursement, 613.

3. Reports — Annual Estimates — Restriction, 613.

Act of Feb. 27, 1906, Ch. 510, 613.

Isthmian Canal — All Expenditures from Proceeds of Bond Sales, 613.

Act of June 29, 1906, Ch. 3597, 614.

Isthmian Canal — Construction of Lock Canal Authorized, 614.

Act of June 30, 1906, Ch. 3912, 614.

Sec. 4. Isthmian Canal — Eight-hour Law Not Applicable to Alien Laborers, 614.

Act of June 30, 1906, Ch. 3914, 614.

Sec. 1. Isthmian Canal — Sea Level Type Forbidden, 614.

Act of March 4, 1907, Ch. 2918, 614.

Sec. 6. Isthmian Canal — Limit of Cost for Construction Removed, 614.

8. Amounts Due from Employees Deducted from Compensation, 614.

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Sec. 3. Isthmian Canal — Canal Zone — Distribution of Revenues, 615.

4. Sums Available for Construction Contracts, 615.

5. Customs Revenue from Canal Zone — Reappropriated for Construction, 615.

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Act of Feb. 27, 1909, Ch. 224, 616.

Sec. 1. Canal Zone — Leases of Public Lands on — Conditions — Preference to Occupants, 616.

2. Lands Excepted — Resumption of Public Use, 616.

3. Mineral, etc., Rights Reserved, 616.

4. Survey, 616.

5. Delegation of Authority, 616.

Act of March 4, 1909, Ch. 298, 617.

Isthmian Canal — Payment to Retired Army and Navy Officers and Enlisted Men, 617.

Act of March 4, 1909, Ch. 299, 617.

Sec. 1. Isthmian Canal — Expenditures Paid from Proceeds of Bond Sales, 617.

3. Distribution of Revenues of Canal Zone, 617.

An Act To regulate the construction of bridges over navigable waters.

[Act of March 28, 1906, ch. 1130, 34 Stat. L. 84.]

[SEC. 1.] [Bridges — general provisions for constructing, over navigable waters — Secretary of War to approve plans, etc. — modification of plans restricted.] That when, hereafter, authority is granted by Congress to any persons to construct and maintain a bridge across or over any of the navigable

waters of the United States, such bridge shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, nor until they shall have approved such plans and specifications and the location of such bridge and accessory works; and when the plans for any bridge to be constructed under the provisions of this Act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans, either before or after completion of the structure, unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War. [34 Stat. L. 84.]

SEC. 2. [*Lawful structures and post routes — telegraph, etc., rights.*] That any bridge built in accordance with the provisions of this Act shall be a lawful structure and shall be recognized and known as a post route, upon which no higher charge shall be made for the transmission over the same of the mails, the troops, and the munitions of war of the United States than the rate per mile paid for the transportation over any railroad, street railway, or public highway leading to said bridge; and the United States shall have the right to construct, maintain, and repair, without any charge therefor, telegraph and telephone lines across and upon said bridge and its approaches; and equal privileges in the use of said bridge and its approaches shall be granted to all telegraph and telephone companies. [34 Stat. L. 85.]

SEC. 3. [*Use by other companies — compensation.*] That all railroad companies desiring the use of any railroad bridge built in accordance with the provisions of this Act shall be entitled to equal rights and privileges relative to the passage of railway trains or cars over the same and over the approaches thereto upon payment of a reasonable compensation for such use; and in case of any disagreement between the parties in regard to the terms of such use or the sums to be paid all matters at issue shall be determined by the Secretary of War upon hearing the allegations and proofs submitted to him. [34 Stat. L. 85.]

SEC. 4. [*Unobstructed navigation — changes — lights, etc. — opening draw — tolls.*] That no bridge erected or maintained under the provisions of this Act shall at any time unreasonably obstruct the free navigation of the waters over which it is constructed, and if any bridge erected in accordance with the provisions of this Act shall, in the opinion of the Secretary of War, at any time unreasonably obstruct such navigation, either on account of insufficient height, width of span, or otherwise, or if there be difficulty in passing the draw opening or the draw-span of such bridge by rafts, steamboats, or other water craft, it shall be the duty of the Secretary of War, after giving the parties interested reasonable opportunity to be heard, to notify the persons owning or controlling such bridge to so alter the same as to render navigation through or under it reasonably free, easy, and unobstructed, stating in such notice the changes required to be made, and prescribing in each case a reasonable time in which to make such changes, and if at the end of the time so specified the changes so required have not been made, the persons owning or controlling such bridge shall be deemed guilty of a violation of this Act; and all such alterations shall be made and all such obstructions shall be removed at the expense of the persons owning or operating said bridge. The persons owning or operating any such bridge shall maintain, at their own expense, such lights and other signals thereon as the Secretary of Commerce and Labor shall prescribe. If the bridge

shall be constructed with a draw, then the draw shall be opened promptly by the persons owning or operating such bridge upon reasonable signal for the passage of boats and other water craft. If tolls shall be charged for the transit over any bridge constructed under the provisions of this Act, of engines, cars, street cars, wagons, carriages, vehicles, animals, foot passengers, or other passengers, such tolls shall be reasonable and just, and the Secretary of War may, at any time, and from time to time, prescribe the reasonable rates of toll for such transit over such bridge, and the rates so prescribed shall be the legal rates and shall be the rates demanded and received for such transit. [34 Stat. L. 85.]

SEC. 5. [*Noncompliance with regulations a misdemeanor — penalty — litigation.*] That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War or the Chief of Engineers, made in accordance with the provisions of this Act, shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished in any court of competent jurisdiction by a fine not exceeding five thousand dollars, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such bridge and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such bridge and accessory works at the expense of the persons owning or controlling such bridge, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any bridge under this Act, the cause or question arising may be tried before the circuit court of the United States in any district which any portion of said obstruction or bridge touches. [34 Stat. L. 85.]

SEC. 6. [*Time of construction.*] That whenever Congress shall hereafter by law authorize the construction of any bridge over or across any of the navigable waters of the United States, and no time for the commencement and completion of such bridge is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the bridge authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act. [34 Stat. L. 86.]

SEC. 7. [*Meaning of "persons."*] That the word "persons" as used in this Act shall be construed to import both the singular and the plural, as the case demands, and shall include municipalities, quasi municipal corporations, corporations, companies, and associations. [34 Stat. L. 86.]

SEC. 8. [*Amendment, etc.*] That the right to alter, amend, or repeal this Act is hereby expressly reserved as to any and all bridges which may be built

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in accordance with the provisions of this Act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any bridge which shall have been constructed in accordance with its provisions. [34 Stat. L. 86.]

An Act To amend the Act approved March sixth, eighteen hundred and ninety-six, relating to the anchorage and movements of vessels in Saint Marys River.

[Act of April 26, 1906, ch. 1874, 34 Stat. L. 136.]

[SEC. 1.] [*Saint Marys River — anchorage, etc., of vessels in — Secretary of Commerce and Labor to prescribe rules, etc. — detail of revenue cutters.*] That section one of the Act approved March sixth, eighteen hundred and ninety-six, entitled "An Act relating to the anchorage and movements of vessels in Saint Marys River," be, and hereby is, amended to read as follows: "That the Secretary of Commerce and Labor be, and he hereby is, authorized and directed to adopt and prescribe suitable rules and regulations governing the movements and anchorage of vessels and rafts in Saint Marys River from Point Iroquois, on Lake Superior, to Point Detour, on Lake Huron, and for the purpose of enforcing the observance of such regulations the Secretary of the Treasury is hereby authorized to detail one or more revenue cutters for duty upon the request of the Secretary of Commerce and Labor on said river," [34 Stat. L. 136.]

The provision amended by the above text is given in 6 Fed. Stat. Annot. 825.

SEC. 2. [*Penalty modified — remission of fine — rules to prevent collisions not affected.*] That section three of the Act of March sixth, eighteen hundred and ninety-six, aforesaid, be, and hereby is, amended to read as follows:

"SEC. 3, That in the event of the violation of any such regulations or rules of the Secretary of Commerce and Labor by the owners, master, or person in charge of such vessel, such owners, masters, or person in charge shall be liable to a penalty not exceeding two hundred dollars: *Provided*, That the Secretary of Commerce and Labor may remit said fine on such terms as he may prescribe; *Provided also*, That nothing in this Act shall be construed to amend or repeal the Act entitled 'An Act to regulate navigation on the Great Lakes and their connecting and tributary waters as far east as Montreal,' approved February eighth, eighteen hundred and ninety-five." [34 Stat. L. 136.]

The provision amended by the above text is given in 6 Fed. Stat. Annot. 825.

An Act Authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations.

[Act of May 16, 1906, ch. 2465, 34 Stat. L. 196.]

[*Rivers and harbors — condemnation of land for improvement of, at private expense — proceedings — expenses — bond.*] That whenever any person, company, or corporation, municipal or private, shall undertake to secure, for the purpose of conveying the same to the United States free of cost, any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, and shall be unable for any reason to obtain a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquisition by condemnation of said land or easement, and it shall be the duty of the

Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all the expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced. [34 Stat. L. 196.]

An Act To regulate the construction of dams across navigable waters.

[Act of June 21, 1906, ch. 3508, 34 Stat. L. 386.]

[SEC. 1.] [*Dams — regulations for constructing, over navigable waters — approval of Secretary of War and Chief of Engineers — changes — conditions — approaches, etc., to locks — water power.*] That when, hereafter, authority is granted by Congress to any persons to construct and maintain a dam for water power or other purposes across any of the navigable waters of the United States, such dams shall not be built or commenced until the plans and specifications for its construction, together with such drawings of the proposed construction and such map of the proposed location as may be required for a full understanding of the subject, have been submitted to the Secretary of War and Chief of Engineers for their approval, or until they shall have approved such plans and specifications and the location of such dam and accessory works; and when the plans for any dam to be constructed under the provisions of this Act have been approved by the Chief of Engineers and by the Secretary of War it shall not be lawful to deviate from such plans either before or after completion of the structure unless the modification of such plans has previously been submitted to and received the approval of the Chief of Engineers and of the Secretary of War: *Provided*, That in approving said plans and location such conditions and stipulations may be imposed as the Chief of Engineers and the Secretary of War may deem necessary to protect the present and future interests of the United States, which may include the condition that such persons shall construct, maintain, and operate, without expense to the United States, in connection with said dam and appurtenant works, a lock or locks, booms, sluices, or any other structures which the Secretary of War and the Chief of Engineers at any time may deem necessary in the interest of navigation, in accordance with such plans as they may approve, and also that whenever Congress shall authorize the construction of a lock, or other structures for navigation purposes, in connection with such dam, the person owning such dam shall convey to the United States, free of cost, title to such land as may be required for such constructions and approaches, and shall grant to the United States a free use of water power for building and operating such constructions. [34 Stat. L. 386.]

SEC. 2. [*Rights reserved for navigation.*] That the right is hereby reserved to the United States to construct, maintain, and operate, in connection with any dam built under the provisions of this Act, a suitable lock or locks, or any other structures for navigation purposes, and at all times to control the said dam and the level of the pool caused by said dam to such an extent as may be necessary to provide proper facilities for navigation. [34 Stat. L. 386.]

SEC. 3. [*Flowage, etc., damages — lights, fishways, etc.*] That the person, company, or corporation building, maintaining, or operating any dam and appurtenant works, under the provisions of this Act, shall be liable for any

damage that may be inflicted thereby upon private property, either by overflow or otherwise. The persons owning or operating any such dam shall maintain, at their own expense, such lights and other signals thereon and such fishways as the Secretary of Commerce and Labor shall prescribe. [34 Stat. L. 386.]

SEC. 4. [*Forfeiture of rights.*] That all rights acquired under this Act shall cease and be determined if the person, company, or corporation acquiring such rights shall, at any time, fail to comply with any of the provisions and requirements of the Act, or with any of the stipulations and conditions that may be prescribed as aforesaid by the Chief of Engineers and the Secretary of War. [34 Stat. L. 386.]

SEC. 5. [*Punishment for noncompliance with orders, etc. — removal, etc. — litigation.*] That any persons who shall fail or refuse to comply with the lawful order of the Secretary of War and the Chief of Engineers, made in accordance with the provisions of this Act, shall be deemed guilty of a violation of this Act, and any persons who shall be guilty of a violation of this Act shall be deemed guilty of a misdemeanor and on conviction thereof shall be punished by a fine not exceeding five thousand dollars, and every month such persons shall remain in default shall be deemed a new offense and subject such persons to additional penalties therefor; and in addition to the penalties above described the Secretary of War and the Chief of Engineers may, upon refusal of the persons owning or controlling any such dam and accessory works to comply with any lawful order issued by the Secretary of War or Chief of Engineers in regard thereto, cause the removal of such dam and accessory works as an obstruction to navigation, at the expense of the persons owning or controlling such dam, and suit for such expense may be brought in the name of the United States against such persons, and recovery had for such expense in any court of competent jurisdiction; and the removal of any structures erected or maintained in violation of the provisions of this Act or the order or direction of the Secretary of War or Chief of Engineers made in pursuance thereof may be enforced by injunction, mandamus, or other summary process, upon application to the circuit court in the district in which such structure may, in whole or in part, exist, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States at the request of the Chief of Engineers or the Secretary of War; and in case of any litigation arising from any obstruction or alleged obstruction to navigation created by the construction of any dam under this Act, the cause or question arising may be tried before the circuit court of the United States in any district in which any portion of said obstruction or dam touches. [34 Stat. L. 386.]

SEC. 6. [*Time of construction.*] That whenever Congress shall hereafter by law authorize the construction of any dam across any of the navigable waters of the United States, and no time for the commencement and completion of such dam is named in said Act, the authority thereby granted shall cease and be null and void unless the actual construction of the dam authorized in such Act be commenced within one year and completed within three years from the date of the passage of such Act. [34 Stat. L. 387.]

SEC. 7. [*Right to alter, etc., reserved.*] That the right to alter, amend, or repeal this Act is hereby expressly reserved as to any and all dams which may be constructed in accordance with the provisions of this Act, and the United States shall incur no liability for the alteration, amendment, or repeal thereof to the owner or owners or any other persons interested in any dam which shall have been constructed in accordance with its provisions. [34 Stat. L. 387.]

SEC. 8. [*Meaning of "persons."*] That the word "persons" as used in this Act shall be construed to import both the singular and the plural, as the case demands, and shall include corporations, companies, and associations. [34 Stat. L. 387.]

An Act For the control and regulation of the waters of Niagara River, for the preservation of Niagara Falls, and for other purposes.

[Act of June 29, 1906, ch. 3021, 34 Stat. L. 626.]

[SEC. 1.] [*Niagara Falls — preservation of — diversion of waters.*] That the diversion of water from Niagara River or its tributaries, in the State of New York, is hereby prohibited, except with the consent of the Secretary of War as hereinafter authorized in section two of this Act: *Provided*, That this prohibition shall not be interpreted as forbidding the diversion of the waters of the Great Lakes or of Niagara River for sanitary or domestic purposes, or for navigation, the amount of which may be fixed from time to time by the Congress of the United States or by the Secretary of War of the United States under its direction. [34 Stat. L. 628.]

SEC. 2. [*Permits granted by Secretary of War — transmission of power — restrictions — revocable permits for additional water — additional electrical power — limit — effect of limitation — regulations — permits may specify persons, etc.*] That the Secretary of War is hereby authorized to grant permits for the diversion of water in the United States from said Niagara River or its tributaries for the creation of power to individuals, companies, or corporations which are now actually producing power from the waters of said river, or its tributaries, in the State of New York, or from the Erie Canal; also permits for the transmission of power from the Dominion of Canada into the United States, to companies legally authorized therefor, both for diversion and transmission, as hereinafter stated, but permits for diversion shall be issued only to the individuals, companies, or corporations as aforesaid, and only to the amount now actually in use or contracted to be used in factories the buildings for which are now in process of construction, not exceeding to any one individual, company or corporation as aforesaid a maximum amount of eight thousand six hundred cubic feet per second, and not exceeding to all individuals, companies or corporations as aforesaid an aggregate amount of fifteen thousand six hundred cubic feet per second; but no revocable permits shall be issued by the said Secretary under the provisions hereafter set forth for the diversion of additional amounts of water from the said river or its tributaries until the approximate amount for which permits may be issued as above, to wit, fifteen thousand, six hundred cubic feet per second, shall for a period of not less than six months have been diverted from the waters of said river or its tributaries, in the State of New York: *Provided*, That the said Secretary, subject to the provisions of section five of this Act, under the limitations relating to time above set forth is hereby authorized to grant revocable permits, from time to time, to such individuals, companies, or corporations, or their assigns, for the diversion of additional amounts of water from the said river or its tributaries to such amount, if any, as, in connection with the amount diverted on the Canadian side, shall not injure or interfere with the navigable capacity of said river, or its integrity and proper volume as a boundary stream, or the scenic grandeur of Niagara Falls; and that the quantity of electrical power which may by

permits be allowed to be transmitted from the Dominion of Canada into the United States, shall be one hundred and sixty thousand horsepower: *Provided further*, That the said Secretary, subject to the provisions of section five of this Act, may issue revocable permits for the transmission of additional electrical power so generated in Canada, but in no event shall the amount included in such permits, together with the said one hundred and sixty thousand horsepower and the amount generated and used in Canada, exceed three hundred and fifty thousand horsepower: *Provided always*, That the provisions herein permitting diversions and fixing the aggregate horsepower herein permitted to be transmitted into the United States, as aforesaid, are intended as a limitation on the authority of the Secretary of War, and shall in no wise be construed as a direction to said Secretary to issue permits, and the Secretary of War shall make regulations preventing or limiting the diversion of water and the admission of electrical power as herein stated; and the permits for the transmission of electrical power issued by the Secretary of War may specify the persons, companies, or corporations by whom the same shall be transmitted, and the persons, companies, or corporations to whom the same shall be delivered. [34 Stat. L. 626.]

SEC. 3. [*Unlawful diversion of waters — penalty — removal of structures, etc.*] That any person, company, or corporation diverting water from the said Niagara River or its tributaries, or transmitting electrical power into the United States from Canada, except as herein stated, or violating any of the provisions of this Act, shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine not exceeding two thousand five hundred dollars nor less than five hundred dollars, or by imprisonment (in the case of a natural person) not exceeding one year, or by both such punishments, in the discretion of the court. And, further, the removal of any structures or parts of structures erected in violation of this Act, or any construction incidental to or used for such diversion of water or transmission of power as is herein prohibited, as well as any diversion of water or transmission of power in violation hereof, may be enforced or enjoined at the suit of the United States by any circuit court having jurisdiction in any district in which the same may be located, and proper proceedings to this end may be instituted under the direction of the Attorney-General of the United States. [34 Stat. L. 627.]

SEC. 4. [*Treaty with Great Britain.*] That the President of the United States is respectfully requested to open negotiations with the Government of Great Britain for the purpose of effectually providing, by suitable treaty with said Government, for such regulation and control of the waters of Niagara River and its tributaries as will preserve the scenic grandeur of Niagara Falls and of the rapids in said river. [34 Stat. L. 628.]

SEC. 5. [*Termination of all permits.*] That the provisions of this Act shall remain in force for three years from and after date of its passage, at the expiration of which time all permits granted hereunder by the Secretary of War shall terminate unless sooner revoked, and the Secretary of War is hereby authorized to revoke any or all permits granted by him by authority of this Act, and nothing herein contained shall be held to confirm, establish, or confer any rights heretofore claimed or exercised in the diversion of water or the transmission of power. [34 Stat. L. 628.]

SEC. 6. [*Appropriation.*] That for accomplishing the purposes detailed in this Act the sum of fifty thousand dollars, or so much thereof as may be neces-

sary, is hereby appropriated from any moneys in the Treasury not otherwise appropriated. [34 Stat. L. 628.]

SEC. 7. [Amendment.] That the right to alter, amend, or repeal this Act is hereby expressly reserved. [34 Stat. L. 628.]

An Act To amend an Act entitled "An Act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May sixteenth, nineteen hundred and six.

[Act of June 29, 1906, ch. 3628, 34 Stat. L. 632.]

[*Rivers and harbors — condemnation of land for improvement of — securing land, etc., by private parties — construction, etc., of dams, locks, etc. — proceedings — expenses — bond.*] That an Act entitled "An Act authorizing the condemnation of lands or easements needed in connection with works of river and harbor improvement at the expense of persons, companies, or corporations," approved May sixteenth, nineteen hundred and six, be amended so as to read as follows: "That whenever any person, company, or corporation, municipal or private, shall undertake to secure any land or easement therein, needed in connection with a work of river and harbor improvement duly authorized by Congress, for the purpose of conveying the same to the United States free of cost, or for the purpose of constructing, maintaining, and operating locks, dry docks, or other works to be conveyed to the United States free of cost, and of constructing, maintaining and operating dams for use in connection therewith, and shall be unable for any reason to obtain the same by purchase and acquire a valid title thereto, the Secretary of War may, in his discretion, cause proceedings to be instituted in the name of the United States for the acquirement by condemnation of said land or easement, and it shall be the duty of the Attorney-General of the United States to institute and conduct such proceedings upon the request of the Secretary of War: *Provided*, That all expenses of said proceedings and any award that may be made thereunder shall be paid by the said person, company, or corporation, to secure which payment the Secretary of War may require the said person, company, or corporation to execute a proper bond in such amount as he may deem necessary before said proceedings are commenced." [34 Stat. L. 632.]

SEC. 5. [*Dredges on Great Lakes, etc. — restriction repealed — dredging plants authorized.*] That section four of the Act of Congress approved April twenty-eighth, nineteen hundred and four, entitled "An Act providing for the restoration or maintenance of channels or of river and harbor improvements, and for other purposes," be, and the same is hereby, repealed. Whenever it shall become, in the opinion of the Secretary of War, necessary or desirable to hire a dredging plant or plants for the performance of any of the public work carried on under his direction the said Secretary may, in his discretion, agree for the same, either in the manner now customary or on the basis of an equitable reimbursement for deterioration of plant when in use by the Government, and a reasonable percentage of the total cost of the work. [34 Stat. L. 1119.]

The above sec. 5 is from Rivers and Harbor Appropriation Act, March 2, 1907, ch. 2509.

Section 4 of the Act of April 23, 1904, above repealed, is given in 10 Fed. Stat. Annot. 378.

SEC. 8. [*Regulations concerning New York harbor.*] That section three of the Act of August eighteenth, eighteen hundred and ninety-four, entitled "An Act making appropriations for the construction, repair, and preservation of certain public works on rivers and harbors, and for other purposes," be, and the same hereby is, amended so as to read as follows, sixty days after the passage of this Act:

"SEC. 3. That section three of the Act to prevent obstructive and injurious deposits within the harbor and adjacent waters of New York City, by dumping or otherwise, and to punish and prevent such offenses, approved June twenty-ninth, eighteen hundred and eighty-eight, shall be, and hereby is, amended so as to read as follows:

"SEC. 3. That in all cases of receiving on board of any scows or boats such forbidden matter or substance as herein described, the owner or master, or person acting in such capacity on board of such scows or boats, before proceeding to take or tow the same to the place of deposit, shall apply for and obtain from the supervisor of the harbor appointed hereunder a permit defining the precise limits within which the discharge of such scows or boats may be made; and it shall not be lawful for the owner or master, or person acting in such capacity, of any tug or towboat to tow or move any scow or boat so loaded with such forbidden matter until such permit shall have been obtained; and every person violating the foregoing provisions of this section shall be deemed guilty of a misdemeanor, and on conviction thereof shall be punished by a fine of not more than one thousand nor less than five hundred dollars, and in addition thereto the master of any tug or towboat so offending shall have his license revoked or suspended for a term to be fixed by the judge before whom tried and convicted.

"And any deviation from such dumping or discharging place specified in such permit shall be a misdemeanor, and the owner and master, or person acting in the capacity of master, of any scows or boats dumping or discharging such forbidden matter in any place other than that specified in such permit shall be liable to punishment therefor as provided in section one of the said Act of June twenty-ninth, eighteen hundred and eighty-eight; and the owner and master, or person acting in the capacity of master, of any tug or towboat towing such scows or boats shall be liable to equal punishment with the owner and master, or person acting in the capacity of master, of the scows or boats; and, further, every scowman or other employee on board of both scows and towboats shall be deemed to have knowledge of the place of dumping specified in such permit, and the owners and masters, or persons acting in the capacity of masters, shall be liable to punishment, as aforesaid, for any unlawful dumping, within the meaning of this Act or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, which may be caused by the negligence or ignorance of such scowman or other employee; and, further, neither defect in machinery nor avoidable accidents to scows or towboats, nor unfavorable weather, nor improper handling or moving of scows or boats of any kind whatsoever shall operate to release the owners and masters and employees of scows and towboats from the penalties hereinbefore mentioned.

"Every scow or boat engaged in the transportation of dredgings, earth, sand, mud, cellar dirt, garbage, or other offensive material of any description shall have its name or number and owner's name painted in letters and numbers at least fourteen inches long on both sides of the scow or boat; these names and numbers shall be kept distinctly legible at all times, and no scow or boat not so marked shall be used to transport or dump any such material. Each such scow or boat shall be equipped at all times with a life line of rope extending

at least the length of and three feet above the deck thereof, such rope to be attached to the coaming thereof, also with a life-preserver and a life buoy for each person on board thereof, also with anchor to weigh not less than two hundred and seventy-five pounds, and at least one hundred feet of cable attached thereto; a list of the names of all men employed on any such scow or boat shall be kept by the owner or master thereof and the said list shall be open to the inspection of all parties. Failure to comply with any of the foregoing provisions shall render the owner of such scow or boat liable upon conviction thereof to a penalty of not more than five hundred dollars.

“The supervisor of the harbor of New York, designated as provided in section five of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, is authorized and directed to appoint inspectors and deputy inspectors, and, for the purpose of enforcing the provisions of this Act and of the Act aforesaid, and of detecting and bringing to punishment offenders against the same, the said supervisor of the harbor, and the inspectors and deputy inspectors so appointed by him, shall have power and authority:

“First. To arrest and take into custody, with or without process, any person or persons who may commit any of the acts or offenses prohibited by this section and by the Act of June twenty-ninth, eighteen hundred and eighty-eight, aforesaid, or who may violate any of the provisions of the same: *Provided*, That no person shall be arrested without process for any offense not committed in the presence of the supervisor or his inspectors or deputy inspectors, or either of them: *And provided further*, That whenever any such arrest is made the person or persons so arrested shall be brought forthwith before a commissioner, judge, or court of the United States for examination of the offenses alleged against him; and such commissioner, judge, or court shall proceed in respect thereto as authorized by law in case of crimes against the United States.

“Second. To go on board of any scow or towboat engaged in unlawful dumping of prohibited material, or in moving the same without a permit, as required in this section of this Act, or otherwise violating any of the provisions of this section of this Act, and to seize and hold said boats until they are discharged by action of the commissioner, judge, or court of the United States before whom the offending persons are brought.

“Third. To arrest and take into custody any witness or witnesses to such unlawful dumping of prohibited material, the said witnesses to be released under proper bonds.

“Fourth. To go on board of any towboat having in tow scows or boats loaded with such prohibited material, and accompany the same to the place of dumping, whenever such action appears to be necessary to secure compliance with the requirements of this Act and of the Act aforesaid.

“Fifth. To enter gas and oil works and all other manufacturing works for the purpose of discovering the disposition made of sludge, acid, or other injurious material, whenever there is good reason to believe that such sludge, acid, or other injurious material is allowed to run into the tidal waters of the harbor in violation of section one of the aforesaid Act of June twenty-ninth, eighteen hundred and eighty-eight.

“Every person who, directly or indirectly, gives any sum of money or other bribe, present, or reward, or makes any offer of the same to any inspector, deputy inspector, or other employee of the office of the supervisor of the harbor with intent to influence such inspector, deputy inspector, or other employee to permit or overlook any violation of the provisions of this section or of the said Act of June twenty-ninth, eighteen hundred and eighty-eight, shall, on conviction thereof, be fined not less than five hundred dollars nor more than one

thousand dollars, and be imprisoned not less than six months nor more than one year.

“ ‘ Every permit issued in accordance with the provisions of this section of this Act, which may not be taken up by an inspector or deputy inspector, shall be returned within four days after issuance to the office of the supervisor of the harbor; such permit shall bear an indorsement by the master of the towboat, or the person acting in such capacity, stating whether the permit has been used, and, if so, the time and place of dumping. Any person violating the provisions of this section shall be liable to a fine of not more than five hundred dollars nor less than one hundred dollars.’ ” [35 Stat. L. 426-428.]

This is from the Act of May 28, 1908, ch. 212, “to amend the laws relating to navigation and for other purposes.” For the other sections of the Act see the title SHIPPING AND NAVIGATION.

Section 3 of the Act of Aug. 18, 1894, as it read prior to this amendment, is given in 6 Fed. Stat. Annot. 798-800.

For the Act of June 29, 1888, see 6 Fed. Stat. Annot. 796.

By the Act of Feb. 16, 1909, ch. 132, given under the title SHIPPING AND NAVIGATION, p. 627, the requirements in regard to life line or rope, contained in this section, are not to be applicable in certain cases.

SEC. 5. [*Mississippi River — regulation of navigation of South and Southwest passes — channels embraced — penalty for violations.*] * * *

That the Secretary of War be, and is hereby, authorized to make such rules and regulations for the navigation of the South and Southwest passes of the Mississippi River as to him shall seem necessary or expedient for the purpose of preventing any obstruction to the channels through said South and Southwest passes and any injury to the works therein constructed. The term “South and Southwest passes,” as herein employed, shall be construed as embracing the entire extent of channel, in each case, between the upper ends of the works at the head of the pass and the outer or sea ends of the jetties at the entrance from the Gulf of Mexico; and any willful violation of any rule or regulation made by the Secretary of War in pursuance of this Act shall be deemed a misdemeanor, for which the owner or owners, agent or agents, master or pilot of the vessel so offending shall be separately or collectively responsible, and on conviction thereof shall be punished by a fine of not less than one hundred dollars, nor exceeding five hundred dollars, or by imprisonment for not exceeding three months, or by both fine and imprisonment, at the discretion of the court. [35 Stat. L. 818.]

This and the following secs. 6 and 14 are from the River and Harbor Act of March 3, 1909, ch. 264.

SEC. 6. [*Free passage through locks, canals, and canalized rivers — permanent appropriation for maintenance.*] That section four of the river and harbor Act approved July fifth, eighteen hundred and eighty-four, be, and is hereby, amended and reenacted so as to read as follows:

“ SEC. 4. That no tolls or operating charges whatever shall be levied upon or collected from any vessel, dredge, or other water craft for passing through any lock, canal, canalized river, or other work for the use and benefit of navigation, now belonging to the United States or that may be hereafter acquired or constructed; and for the purpose of preserving and continuing the use and navigation of said canals and other public works without interruption, the Secretary of War, upon the recommendation of the Chief of Engineers, United States Army, is hereby authorized to draw his warrant or requisition, from time to time, upon the Secretary of the Treasury to pay the actual expenses of oper-

ating, maintaining, and keeping said works in repair, which warrants or requisitions shall be paid by the Secretary of the Treasury out of any money in the Treasury not otherwise appropriated: *Provided*, That whenever, in the judgment of the Secretary of War, the condition of any of the aforesaid works is such that its entire reconstruction is absolutely essential to its efficient and economical maintenance and operation as herein provided for, the reconstruction thereof may include such modifications in plan and location as may be necessary to provide adequate facilities for existing navigation: *Provided further*, That the modifications are necessary to make the reconstructed work conform to similar works previously authorized by Congress and forming a part of the same improvement, and that such modifications shall be considered and approved by the Board of Engineers for Rivers and Harbors and be recommended by the Chief of Engineers before the work of reconstruction is commenced: *Provided further, also*, That an itemized statement of said expenses shall accompany the annual report of the Chief of Engineers: *And provided further*, That nothing herein contained shall be held to apply to the Panama canal." [86 Stat. L. 818.]

See note under sec. 5, *supra*.

For sec. 4 of the Act of July 5, 1884, here amended, see 6 Fed. Stat. Annot. 791.

SEC. 14. [*Office of Chief of Engineers — employment of professional assistants authorized.*] That the Chief of Engineers may, with the approval of the Secretary of War, employ in his office such professional and other assistants as, in his judgment, may be necessary to enable him to perform effectively and with advantage to the public service the various duties imposed upon his office by the laws enacted from time to time by Congress for the improvement, preservation, and protection of the navigable waters of the United States, the salaries of such employees to be paid by allotments from any appropriations made by Congress for examinations and surveys, or for the improvements of rivers and harbors: *Provided*, That expenditures hereunder shall not exceed twenty-five thousand dollars in any one year, and shall be in addition to those otherwise authorized by law: *And provided further*, That an itemized statement of all expenditures under this section, including the number of persons employed, their duties, and the amount paid to each, shall accompany the annual report of the Chief of Engineers. [95 Stat. L. 838.]

See note under sec. 5, *supra*.

[ISTHMIAN CANAL.]

An Act Supplemental to an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, and making appropriation for Isthmian Canal construction, and for other purposes.

[Act of Dec. 31, 1905, ch. 3, 34 Stat. L. 5.]

[SEC. 1.] [*Isthmian Canal — rights, etc., accorded bonds issued for construction of — taxes — R. S. sec. 5214.*] That the two per cent bonds of the United States authorized by section eight of the Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two, shall have all the rights and privileges accorded by law to other two per cent bonds of the United States, and every national banking association having on deposit,

as provided by law, such bonds issued under the provisions of said section eight of said Act approved June twenty-eight, nineteen hundred and two, to secure its circulating notes, shall pay to the Treasurer of the United States, in the months of January and July, a tax of one-fourth of one per cent each half year upon the average amount of such of its notes in circulation as are based upon the deposit of said two per cent bonds; and such taxes shall be in lieu of existing taxes on its notes in circulation imposed by section fifty-two hundred and fourteen of the Revised Statutes. [34 Stat. L. 5.]

The Act of June 28, 1902, is given in 6 Fed. Stat. Annot. 835. For R. S. sec. 5214, see 5 Fed. Stat. Annot. 155.

SEC. 2. [*Appropriation for continuing construction — reimbursement.*] That there is hereby appropriated out of any money in the Treasury not otherwise appropriated, the sum of eleven million dollars to continue the construction of the Isthmian Canal, to be expended under the direction of the President in accordance with the said Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans, approved June twenty-eighth, nineteen hundred and two, and for each and every purpose connected with the same, the said sum to continue available until expended: *Provided*, That all expenditures from the appropriation herein made shall be reimbursed to the Treasury of the United States out of the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two. [34 Stat. L. 5.]

For sec. 8 of the Act of June 28, 1902, see 6 Fed. Stat. Annot. 838.

SEC. 3. [*Reports — annual estimates — restriction.*] That the President shall annually, and at such other periods as may be provided, either by law or by his order, require full and complete reports to be made to him by the persons appointed or employed by him in charge of the government of the Canal Zone, the construction of the Isthmian Canal, and the operation of the Panama Railroad, including an itemized account of all moneys received and expended, which said reports shall be by the President transmitted to Congress. The President shall annually cause to be made, by the persons appointed and employed by him in charge of the government of said Canal Zone and the construction of said canal, estimates of expenditures and appropriations, in detail as far as practicable, which estimates shall cover all annual salaries paid to persons employed on said work, excepting laborers and skilled laborers, and shall be submitted to Congress in the manner provided in section five of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and two, and for other purposes." And no money shall be expended for any of the purposes of constructing and maintaining said Isthmian Canal, or for any expenses incident thereto, except in accordance with appropriations made by Congress. [34 Stat. L. 5.]

[*Isthmian Canal — all expenditures from proceeds of bond sales.*] That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two. [34 Stat. L. 33.]

This is from the Urgent Deficiency Appropriation Act of Feb. 27, 1906, ch. 510.

An Act To provide for the construction of a lock canal connecting the waters of the Atlantic and Pacific oceans, and the method of construction.

[Act of June 29, 1906, ch. 3597, 34 Stat. L. 611.]

[*Isthmian Canal — construction of lock canal authorized.*] That a lock canal be constructed across the Isthmus of Panama connecting the waters of the Atlantic and Pacific oceans, of the general type proposed by the minority of the Board of Consulting Engineers, created by order of the President dated January twenty-fourth, nineteen hundred and five, in pursuance of an Act entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," approved June twenty-eighth, nineteen hundred and two. [34 Stat. L. 611.]

This and prior Acts "show a full ratification by Congress of what has been done by the executive. Their concurrent action is

conclusive upon the courts." *Wilson v. Shaw*, (1906) 204 U. S. 32.

For the Act of June 28, 1902, above mentioned, see 6 Fed. Stat. Annot. 835.

SEC. 4. [*Isthmian Canal — eight-hour law not applicable to alien laborers.*] The provisions of an Act entitled "An Act relating to the limitations of the hours of daily service of laborers and mechanics employed upon the public works of the United States and of the District of Columbia, approved August first, eighteen hundred and ninety-two, and of an Act entitled "An Act making appropriations to supply urgent deficiencies in the appropriations for the fiscal year ending June thirtieth, nineteen hundred and six, and for prior years, and for other purposes," approved February twenty-seventh, nineteen hundred and six, shall not apply to unskilled alien laborers and to the foremen and superintendents of such laborers employed in the construction of the isthmian canal within the Canal Zone. [34 Stat. L. 669.]

The above sec. 4 is from Deficiencies Appropriation Act, June 30, 1906, ch. 3912.

The Act of Aug. 1, 1892, above referred to, is given in 4 Fed. Stat. Annot. 779.

By the Act of Feb. 27, 1906, above referred to, it was provided that "the provisions of the Act entitled 'An Act relating to the limitations of the hours of daily service of laborers

and mechanics employed upon the public works of the United States and of the District of Columbia,' approved August first, eighteen hundred and ninety-two, shall not apply to alien laborers employed in the construction of the Isthmian Canal within the Canal Zone." [34 Stat. L. 33.]

[SEC. 1.] [*Isthmian Canal — sea level type forbidden.*] * * * That no part of the sums herein appropriated shall be used for the construction of a canal of the so-called sea level type. [34 Stat. L. 761.]

This is from the Sundry Civil Expenses Appropriation Act of June 30, 1906, ch. 3914.

SEC. 6. [*Isthmian Canal — limit of cost for construction removed.*] Nothing contained in section five of the Act of June twenty-eighth, nineteen hundred and two, entitled "An Act to provide for the construction of a canal connecting the waters of the Atlantic and Pacific oceans," shall prevent the President from entering into such contract or contracts as may be deemed expedient by him for the completion of the construction of the Panama Canal. [34 Stat. L. 1370.]

The above sec. 6 and the following sec. 8 are from the Sundry Civil Appropriation Act, March 4, 1907, ch. 2918.

For the Act of June 28, 1902, see 6 Fed. Stat. Annot. 835.

SEC. 8. [*Amounts due from employees deducted from compensation.*] All amounts due from employees, whether to the Commission, Panama Railroad Company, or contractor, for transportation, board, supplies, or for any other service, are hereby authorized to be deducted from the compensation otherwise payable to the said employees, and to be paid to the authorized parties, or to be credited to the appropriation out of which the transportation, board, supplies, or other service was originally paid. [34 Stat. L. 1371.]

SEC. 3. [*Isthmian Canal — canal zone — distribution of revenues.*] All funds hereafter collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the Zone postal service, and from court fees, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and nine, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of ten thousand dollars, to the maintenance of the public school system in the Zone; to the construction and maintenance of public improvements within the Zone; to the maintenance of the administrative districts, including payment of salaries and wages incident thereto; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and nine. [35 Stat. L. 386.]

This and secs. 4 and 5 following are from the Sundry Civil Appropriation Act of May 27, 1908, ch. 200. The other sections of this Act are special or temporary.

SEC. 4. [*Sums available for construction contracts.*] All sums appropriated hereunder or that may hereafter be appropriated for the construction of the Isthmian Canal shall be available for the payment of the direct obligations of the Canal Commission, or of the Commission's obligations under any contract or contracts that may hereafter be entered into for the construction of the Isthmian Canal. [35 Stat. L. 387.]

SEC. 5. [*Customs revenue from canal zone — reappropriated for construction.*] All funds that hereafter may be derived from customs duties collected upon property of the United States imported from the Canal Zone are hereby reappropriated for the construction of the Isthmian Canal and may be expended under any of the classified appropriations for the department of construction and engineering. [35 Stat. L. 387.]

An Act Relating to injured employees on the Isthmian Canal.

[Act of Feb. 24, 1909, ch. 179, 35 Stat. L. 645.]

[*Isthmian Canal — leave of absence with pay to injured employees.*] That nothing contained in the Act approved May thirtieth, nineteen hundred and eight, entitled "An Act granting to certain employees of the United States the right to receive from it compensation for injuries sustained in the course of

their employment," shall prevent the Isthmian Canal Commission, under rules to be fixed by the commission, from granting to its injured employees, whether engaged in a hazardous employment or otherwise, leave of absence with pay for time necessarily lost as a result of injuries received in the course of employment, not exceeding in the aggregate thirty days per annum: *Provided, however, That compensation paid to such injured employees under such regulations shall be deducted from any compensation which such employees may be entitled to receive under the terms of the said Act.* [35 Stat. L. 645.]

For the Act of May 30, 1908, above mentioned, see the title *LABOR*, ante, p. 330.

An Act Relating to the use, control, and ownership of lands in the Canal Zone, Isthmus of Panama.

[Act of Feb. 27, 1909, ch. 224, 35 Stat. L. 655.]

[SEC. 1.] [*Canal zone — leases of public lands on — conditions — preference to occupants.*] That the President is hereby authorized to grant leases of the public lands in the Canal Zone, Isthmus of Panama, for such period, not exceeding twenty-five years, and upon such terms and conditions as he may deem advisable. No lease, however, shall be granted for a tract of land in excess of fifty hectares, nor to any person who shall not have first established, by affidavit and by such other proof as may be required, that such person is the head of a family or over the age of twenty-one years, and that the application for a lease is made in good faith for the purposes of actual settlement and cultivation, and not for the benefit of any other person whatsoever, and that such person will faithfully comply with all the requirements of law as to settlement, residence, and cultivation. In granting such leases preference shall be accorded to actual occupants of lands in good faith. [35 Stat. L. 658.]

SEC. 2. [*Lands excepted — resumption of public use.*] That no portion of the lands of the United States within the Canal Zone shall be leased hereunder unless it shall first be made to appear, by a statement or plat filed by the Isthmian Canal Commission with the collector of revenues for the Canal Zone, that it is not contemplated to use such lands in the work of canal construction or to set the same aside as a town site; and all leases shall be made subject to the provision that if at any time it shall become necessary, notwithstanding, for the United States to occupy or use any portion of the leased lands, it shall have the right to so do without further compensation to the lessee than for the reasonable value of the necessary improvements made upon said tracts by the lessee, the same to be determined by the courts of the Canal Zone. [35 Stat. L. 658.]

SEC. 3. [*Mineral, etc., rights reserved.*] That all leases of lands hereunder shall reserve to the United States all mineral, oil, and gas rights in the lands leased. [35 Stat. L. 658.]

SEC. 4. [*Survey.*] That the President may, in his discretion, require a land survey to be made of the Canal Zone. [35 Stat. L. 658.]

SEC. 5. [*Delegation of authority.*] That the powers conferred upon the President under this Act may be exercised by him through the Isthmian Canal Commission or in such other manner as he may designate. [35 Stat. L. 658.]

[*Isthmian Canal* — payment to retired army and navy officers and enlisted men.] * * * Authority is hereby granted for the payment of salaries and wages accrued or hereafter earned of retired army and navy officers and enlisted men now in the employment of the Isthmian Canal Commission, in addition to their retired pay, where their compensation under such employment does not exceed two thousand five hundred dollars per annum. [35 Stat. L. 931.]

This is from the Deficiencies Appropriation Act of March 4, 1909, ch. 298.

[SEC. 1.] [*Isthmian Canal* — expenditures paid from proceeds of bond sales.] * * * That all expenditures from the appropriation herein and hereinafter made for the Isthmian Canal shall be paid from, or reimbursed to the Treasury of the United States out of, the proceeds of the sale of bonds authorized in section eight of the said Act approved June twenty-eighth, nineteen hundred and two. [35 Stat. L. 1025.]

This and sec. 3 following are from the Sundry Civil Appropriation Act of March 4, 1909, ch. 299.

SEC. 3. [*Distribution of revenues of Canal Zone.*] All funds hereafter collected by the government of the Canal Zone from rentals of public lands and buildings in the Canal Zone and the cities of Panama and Colon, and from the zone postal service, and from court fees and fines, and collected or raised by taxation in whatever form under the laws of the government of the Canal Zone, are hereby appropriated until and including June thirtieth, nineteen hundred and ten, as follows: The revenues derived from the postal service to the maintenance of that service; the remaining revenues, after setting aside a miscellaneous and contingent fund of ten thousand dollars, to the maintenance of the public-school system in the zone; to the construction and maintenance of public improvements within the zone; to the maintenance of the administrative districts; to the maintenance of Canal Zone charity patients in the hospitals of the Isthmian Canal Commission, and to the maintenance of administrative district prisoners. A detailed and classified statement of all receipts and expenditures without the duplication of items under this paragraph shall be submitted to Congress after the close of the fiscal year nineteen hundred and ten. [35 Stat. L. 1026.]

See note under sec. 1, *supra*.

ROADS.

In Alaska, see ALASKA.

ROBBERY.

See *PENAL LAWS.*

RUINS.

See ANTIQUITIES.

RURAL FREE DELIVERY.

See POSTAL SERVICE.

SAFETY APPLIANCES.

See RAILROADS.

SAILING VESSELS.

See COLLISIONS; SHIPPING AND NAVIGATION.

SALARIES.

See PUBLIC OFFICERS.

SCHOOLS.

Indian Schools, see INDIANS.
See also EDUCATION.

SEALS.

Act of June 28, 1906, Ch. 3573.

Seal of United States Commissioners — Use of — Fees.

An Act To provide a seal for United States commissioners.

[Act of June 28, 1906, ch. 3573, 34 Stat. L. 546.]

[Seal of United States commissioners — use of — fees.] That each United States commissioner shall provide himself with an official impression seal, to be prescribed by the Attorney-General, which said seal shall be affixed to each jurat or certificate of the official acts of said commissioner, but no increase of fees shall be allowed by reason thereof. *[34 Stat. L. 546.]*

SEAMEN.

Act of April 26, 1906, Ch. 1875.

Shipping Commissioners — Bond and Oath — R. S. Sec. 4502 Amended.

Act of June 28, 1906, Ch. 3583.

Sec. 4. Payment of Seamen's Wages — Oyster Vessels Included.

An Act To amend section forty-five hundred and two of the Revised Statutes of the United States, relating to bonds and oaths of shipping commissioners.

[Act of April 26, 1906, ch. 1875, 34 Stat. L. 137.]

[Shipping commissioners — bond and oath — R. S. sec. 4502 amended.]
That section forty-five hundred and two of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

"Sec. 4502. Every shipping commissioner so appointed shall give bond to the United States, conditioned for the faithful performance of the duties of his office, for a sum, in the discretion of the Secretary of Commerce and Labor, of not less than five thousand dollars, in such form and with such security as the Secretary of Commerce and Labor shall direct and approve; and shall take and subscribe the oath prescribed by section seventeen hundred and fifty-seven of the Revised Statutes before entering upon the duties of his office: *Provided*, That nothing in this section shall be construed to affect in any respect the liability of principal or sureties on any bond heretofore given by any shipping commissioner." **[34 Stat. L. 137.]**

For R. S. sec. 4502, see 6 Fed. Stat. Annot. 848.

An Act To prohibit shanghaiing in the United States.

[Act of June 28, 1906, ch. 3583, 34 Stat. L. 551.]

SEC. 4. *[Payment of seamen's wages — oyster vessels included.]* That sections four, six, and twenty-four of chapter twenty-eight of the Acts of Congress, approved December twenty-first, eighteen hundred and ninety-eight, shall apply to all vessels engaged in the taking of oysters, anything in section twenty-six of said last-mentioned Act to the contrary notwithstanding. **[34 Stat. L. 551.]**

For the Act of Dec. 21, 1898, ch. 28, above referred to, see 6 Fed. Stat. Annot. 869.

Sections 1, 2, and 3 of this Act are repealed

by sec. 341 of the Act of March 4, 1909, ch. 321, given *ante*, p. 496, under the title
PENAL LAWS.

SECRETARIES.

See *EXECUTIVE DEPARTMENTS.*

SEDUCTION.

See *PENAL LAWS*.

SEEDS.

See *AGRICULTURE*.

SHANGHAIING.

See *PENAL LAWS*.

SHIPPING AND NAVIGATION.

Act of Feb. 22, 1906, Ch. 500, 622.

Shipping — Registry of Wrecked Foreign-built Vessels Repealed — R. S. Sec. 4136 Repealed, 622.

Act of April 24, 1906, Ch. 1865, 623.

Sec. 1. Vessels in Domestic Commerce — Consolidation of Enrollments and Licenses — R. S. Secs. 4319, 4321, 623.

2. Renewal of Licenses — R. S. Sec. 4325 Amended — If Absent at Time of Expiration — Surrender, in Case of Change of Build, Ownership, etc. — Penalty on Failure to Deliver License, 623.

3. Compensation of Customs Officers Not Affected, 623.

4. Effect, 623.

Act of May 12, 1906, Ch. 2453, 623.

Sec. 1. Domestic Commerce — New Coasting Districts Established — Districts Increased to Five — R. S. Sec. 4348 Amended — Description, 623.

2. Effect, 624.

Act of May 28, 1906, Ch. 2586, 624.

Sec. 1. Foreign-built Dredges — Restriction on Use of, in United States Waters, 624.

2. Documenting Dredges Used at Galveston Authorized, 624.

Act of March 24, 1908, Ch. 96, 624.

Sec. 1. Hospital Ships Exempted from Taxes, etc., in Time of War, 624.

2. President to Designate Ships, etc., 625.

The Act of Feb. 24, 1906, ch. 507, given on page 327 of the 1907 Supplement, under the title SHIPPING AND NAVIGATION, is repealed by sec. 3 of the Act of May 23, 1908, ch. 187, given ante, p. 108, under the title CUSTOMS DUTIES.

Act of April 28, 1908, Ch. 151, 625.

- Sec. 1. Marine Parades, etc.—Protection to Life on Navigable Waters During,* 625.
- 2. Enforcement of Regulations—Secretary of Commerce and Labor May Detail Public Vessels, etc.,* 625.
- 3. Transfer of Authority Allowed,* 625.
- 4. Penalties for Violation,* 625.
- 5. Repeal,* 625.
- 6. Effect,* 625.

Act of May 28, 1908, Ch. 212, 626.

- Sec. 1. Navigation Laws—Entry, etc.—Vessels Making Tri-weekly Trips Exempt from Fees,* 626.
- 2. (Licensed Officers—R. S. Sec. 4438 Amended, see OFFICERS OF MERCHANT VESSELS, ante, p. 402),* 626.
- 3. (Count or List of Passengers, see STEAM VESSELS, post, p. 654),* 626.
- 4. (Penalty for Failure to Keep Count or List, see STEAM VESSELS, post, p. 654),* 626.
- 5. (Reciprocal Exemption of Foreign Yachts from Tonnage, etc., Fees, see YACHTS),* 626.
- 6. (R. S. Sec. 4216 Repealed, see YACHTS),* 626.
- 7. Private Signals—Registry, etc., Permitted,* 626.
- 8. (Regulations Concerning New York Harbor, see RIVERS, HARBORS, AND CANALS, ante, p. 609),* 626.
- 9. (Inspectors of Hulls and Boilers, see STEAM VESSELS, post, p. 654),* 626.
- 10-15. (Sea-going Barges—Inspection and Regulation—Towing—see STEAM VESSELS, post, p. 655),* 626.

Act of Feb. 6, 1909, Ch. 82, 626.

- Sec. 1. Navigation—Deductions from Gross Tonnage United States Vessels,* 626.
- 2. Deductions for Water-ballast Space,* 627.

Act of Feb. 16, 1909, Ch. 132, 627.

- New York Harbor—Life Lines Not Required on Certain Scows Carrying Garbage, etc.—Names, etc., on Ends of Boats,* 627.

CROSS-REFERENCES.

Collisions, see that title.

Immigrant Vessels, see IMMIGRATION.

Regulation of Shipping between United States and Philippine Islands, see PHILIPPINE ISLANDS.

Seamen, see SEAMEN.

Removal of Derelicts and Floating Dangers, see WRECKS AND WRECKERS.

Yachts, see that title.

See also *LIGHTS AND BUOYS; PENAL LAWS; STEAM VESSELS.*

An Act To repeal section forty-one hundred and thirty-six of the Revised Statutes relating to the admission to registry of repaired foreign wrecks.

[Act of Feb. 22, 1906, ch. 500, 34 Stat. L. 17.]

[Shipping—registry of wrecked foreign-built vessels repealed—R. S. sec. 4136 repealed.] That section forty-one hundred and thirty-six of the Revised Statutes, as amended, reading as follows: "The Commissioner of Navigation may issue a register or enrollment for any vessel built in a foreign country, whenever such vessel shall be wrecked in the United States, and shall be purchased and repaired by a citizen of the United States, if it shall be proved to the satisfaction of the Commissioner that the repairs put upon such vessel are equal to three-fourths of the cost of the vessel when so repaired," is hereby repealed. [34 Stat. L. 17.]

R. S. sec. 4136, above repealed, is given in 7 Fed. Stat. Annot. 14.

An Act To simplify the issue of enrollments and licenses of vessels of the United States.

[Act of April 24, 1906, ch. 1865, 34 Stat. L. 136.]

[SEC. 1.] [*Vessels in domestic commerce — consolidation of enrollments and licenses — R. S. secs. 4319, 4321.*] That under the direction of the Secretary of Commerce and Labor the Commissioner of Navigation is hereby authorized and directed from time to time to consolidate into one document in the case of any vessel of the United States of twenty net register tons or over, the form of enrollment prescribed by section forty-three hundred and nineteen of the Revised Statutes and the form of license prescribed by section forty-three hundred and twenty-one of the Revised Statutes, and such consolidated form shall hereafter be issued to a vessel of the United States in lieu of the separate enrollment and license, now prescribed by law, and shall be deemed sufficient compliance with the requirements of laws relating to the subject. [34 Stat. L. 136.]

For R. S. secs. 4319, 4321, see 7 Fed. Stat. Annot. 58, 59.

SEC. 2. [*Renewal of licenses — R. S. sec. 4325 amended — if absent at time of expiration — surrender, in case of change of build, ownership, etc. — penalty on failure to deliver license.*] That section forty-three hundred and twenty-five of the Revised Statutes is hereby amended to read:

“Sec. 4325. The license granted to any vessel shall be presented for renewal by endorsement to the collector of customs of the district in which the vessel then may be within three days after the expiration of the time for which it was granted, or, if she be absent at that time, within three days from her first arrival within a district. In case of change of build, ownership, district, trade, or arrival under temporary papers in the district where she belongs the license shall be surrendered. If the master shall fail to deliver the license he shall be liable to a penalty of ten dollars, which shall not be mitigated.” [34 Stat. L. 136.]

R. S. sec. 4325, as it formerly read, is given in 7 Fed. Stat. Annot. 61.

SEC. 3. [*Compensation of customs officers not affected.*] That this Act shall not be construed to amend any law now in force concerning the compensation of officers of the customs for service connected with the enrollment and license of vessels. [34 Stat. L. 136.]

SEC. 4. [*Effect.*] That this Act shall take effect on and after January first, nineteen hundred and seven. [34 Stat. L. 136.]

An Act To amend section forty-three hundred and forty-eight of the Revised Statutes, establishing great coasting districts of the United States.

[Act of May 12, 1906, ch. 2453, 34 Stat. L. 190.]

[SEC. 1.] [*Domestic commerce — new coasting districts established — districts increased to five — R. S. sec. 4348 amended — description.*] That section forty-three hundred and forty-eight of the Revised Statutes be, and hereby is, amended to read as follows:

“Sec. 4348. The seacoasts and navigable rivers of the United States and Porto Rico shall be divided into five great districts: The first to include all the collection districts on the seacoasts and navigable rivers between the northern

boundary of the State of Maine and the southern boundary of the State of Texas; the second to consist of the island of Porto Rico; the third to include the collection districts on the seacoasts and navigable rivers between the southern boundary of the State of California and the northern boundary of the State of Washington; the fourth to consist of the Territory of Alaska; the fifth to consist of the Territory of Hawaii." [34 Stat. L. 190.]

R. S. sec. 4348, as it formerly read, is given in 7 Fed. Stat. Annot. 68.

SEC. 2. [Effect.] That this Act shall take effect on and after January first, nineteen hundred and seven. [34 Stat. L. 190.]

An Act Concerning foreign-built dredges.

[Act of May 28, 1906, ch. 2566, 34 Stat. L. 204.]

[SEC. 1.] [Foreign-built dredges — restriction on use of, in United States waters.] That a foreign-built dredge shall not, under penalty of forfeiture, engage in dredging in the United States unless documented as a vessel of the United States. [34 Stat. L. 204.]

SEC. 2. [Documenting dredges used at Galveston authorized.] That the Commissioner of Navigation is hereby authorized and directed to document as vessels of the United States the foreign-built dredges Holm, Leviathan, Nereus, and Triton, owned by American citizens and now employed at Galveston, and the dredge Sea Lion, now under construction abroad for use at Galveston, on which an American citizen, the contractor at Galveston, has an option. [34 Stat. L. 204.]

An Act To carry into effect the international convention of December twenty-first, nineteen hundred and four, relating to the exemption in time of war of hospital ships from dues and taxes on vessels.

[Act of March 24, 1908, ch. 96, 35 Stat. L. 46.]

[SEC. 1.] [Hospital ships exempted from taxes, etc., in time of war.] Whereas a convention providing for the exemption of hospital ships in time of war from the payment of all dues and taxes imposed for the benefit of the State was signed at The Hague on December twenty-first, nineteen hundred and four, by the plenipotentiaries of the United States of America, Germany, Austria-Hungary, Belgium, China, Korea, Denmark, Spain, Mexico, France, Greece, Italy, Japan, Luxemburg, Montenegro, The Netherlands, Peru, Persia, Portugal, Roumania, Russia, Servia, Siam, and Switzerland; and

Whereas the said convention was duly ratified by the Government of the United States of America by and with the advice and consent of the Senate thereof, and was proclaimed by the President of the United States May twenty-first, nineteen hundred and seven: Therefore

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That hospital ships, concerning which the conditions set forth in articles one, two, and three of the convention concluded at The Hague on July twenty-ninth, eighteen hundred and ninety-nine, for the adaptation to maritime warfare of the principles of the Geneva convention of August twenty-second, eighteen hundred and sixty-four, are fulfilled, shall, in the ports of the United States and the possessions thereof, be exempted, in time of war, from all dues and taxes imposed on vessels by the laws of the United States, and from all pilotage charges. [35 Stat. L. 46.]

SEC. 2. [*President to designate ships, etc.*] That the President of the United States shall by proclamation name the hospital ships to which this Act shall apply, and shall indicate the time when the exemptions herein provided for shall begin and end. [35 Stat. L. 46.]

An Act To provide for safety of life on navigable waters during regattas or marine parades.

[Act of April 22, 1908, ch. 151, 35 Stat. L. 69.]

[SEC. 1.] [*Marine parades, etc. — protection to life on navigable waters during.*] That the Secretary of Commerce and Labor is hereby authorized and empowered in his discretion to issue from time to time regulations, not contrary to law, to promote the safety of life on navigable waters during regattas or marine parades. [35 Stat. L. 69.]

SEC. 2. [*Enforcement of regulations — Secretary of Commerce and Labor may detail public vessels, etc.*] That to enforce such regulations the Secretary of Commerce and Labor may detail any public vessel in the service of that Department and make use of any private vessel tendered gratuitously for the purpose, or upon the request of the Secretary of Commerce and Labor the head of any other Department may enforce the regulations issued under this Act by means of any public vessel of such Department and of any private vessel tendered gratuitously for the purpose. [35 Stat. L. 69.]

SEC. 3. [*Transfer of authority allowed.*] That the authority and power bestowed upon the Secretary of Commerce and Labor by sections one and two may be transferred for any special occasion to the head of another Department by the President whenever in his judgment such transfer is desirable. [35 Stat. L. 69.]

SEC. 4. [*Penalties for violation.*] That for any violation of regulations issued pursuant to this Act the following penalties shall be incurred:

(a) A licensed officer shall be liable to suspension or revocation of license in the manner now prescribed by law for incompetency or misconduct.

(b) Any person in charge of the navigation of a vessel other than a licensed officer shall be liable to a penalty of five hundred dollars.

(c) The owner of a vessel (including any corporate officer of a corporation owning the vessel) actually on board shall be liable to a penalty of five hundred dollars, unless the violation of regulations shall have occurred without his knowledge.

(d) Any other person shall be liable to a penalty of two hundred and fifty dollars.

The Secretary of Commerce and Labor is hereby authorized and empowered to mitigate or remit any penalty herein provided for in the manner prescribed by law for the mitigation or remission of penalties for violation of the navigation laws. [35 Stat. L. 69.]

SEC. 5. [*Repeal.*] That the Act approved May nineteenth, eighteen hundred and ninety-six, entitled "An Act to provide for the safety of passengers on excursion steamers," is hereby repealed. [35 Stat. L. 69.]

For the Act of May 19, 1896, hereby repealed, see 7 Fed. Stat. Annot. 95.

SEC. 6. [*Effect.*] That this Act shall take effect on April tenth, nineteen hundred and eight. [35 Stat. L. 69.]

An Act To amend the laws relating to navigation, and for other purposes.

[Act of May 28, 1908, ch. 212, 35 Stat. L. 424.]

[SEC. 1.] [*Navigation laws — entry, etc. — vessels making tri-weekly trips exempt from fees.*] That section twenty-seven hundred and ninety-two of the Revised Statutes be, and is hereby, amended by adding thereto, thirty days after the passage of this Act, the following:

"Any passenger vessel engaged triweekly or oftener in trade between ports of the United States and foreign ports shall be exempt from entrance and clearance fees and tonnage taxes while such service triweekly or oftener is maintained." [35 Stat. L. 424.]

For R. S. sec. 2792, see 7 Fed. Stat. Annot. 52.

SEC. 2. [*Licensed officers — R. S. sec. 4438 amended — see OFFICERS OF MERCHANT VESSELS, ante, p. 402.*]

SEC. 3. [*Count or list of passengers, see STEAM VESSELS, post, p. 654.*]

SEC. 4. [*Penalty for failure to keep count or list, see STEAM VESSELS, post, p. 654.*]

SEC. 5. [*Reciprocal exemption of foreign yachts from tonnage, etc., fees, see YACHTS.*]

SEC. 6. [*R. S. sec. 4216 repealed, see YACHTS.*]

SEC. 7. [*Private signals — registry, etc., permitted.*] That thirty days after the passage of this Act if a shipowner desires to use for the purpose of a private code any rockets, lights, or other similar signals, he may register those signals and house flags and funnel marks with the Commissioner of Navigation, who shall give public notice from time to time of the signals, house flags, and funnel marks so registered in such manner as he may think requisite for preventing those signals from being mistaken for signals of distress or signals for pilots. The Commissioner of Navigation may refuse to register any signals which in his opinion can not easily be distinguished from signals of distress, signals for pilots, or signals prescribed by laws for preventing collisions. [35 Stat. L. 426.]

SEC. 8. [*Regulations concerning New York harbor, see RIVERS, HARBORS, AND CANALS, ante, p. 609.*]

SEC. 9. [*Inspectors of hulls and boilers, see STEAM VESSELS, post, p. 654.*]

SECS. 10-15. [*Sea-going barges — inspection and regulation — towing — see STEAM VESSELS, post, p. 655.*]

An Act To provide for the deduction of hatchways and water-ballast space from the gross tonnage of vessels.

[Act of Feb. 6, 1908, ch. 82, 35 Stat. L. 613.]

[SEC. 1.] [*Navigation — deductions from gross tonnage United States vessels.*] That section one of the Act approved March second, eighteen hundred and ninety-five, entitled "An Act to amend section one of chapter three hundred and ninety-eight of the laws of eighteen hundred and eighty-two, entitled 'An Act to provide for deductions from the gross tonnage of vessels of the United

States,' " is hereby amended by inserting after paragraph (h) the following words:

"The cubical contents of the hatchways shall be obtained by multiplying the length and breadth together and the product by the mean depth taken from the top of beam to the under side of the hatch. From the aggregate tonnage of the hatchways there shall be deducted one-half of one per cent of the gross tonnage and the remainder only shall be added to the gross tonnage of the ship exclusive of the tonnage of the hatchways." [35 Stat. L. 613.]

For that part of sec. 1 of the Act of March 2, 1895, here amended, see 7 Fed. Stat. Annot. 24.

SEC. 2. [*Deductions for water-ballast space.*] That said section is further amended by inserting at the end of the fourth paragraph after paragraph (i) the following words:

"From the gross tonnage there shall be deducted any other space adapted only for water ballast certified by the collector not to be available for the carriage of cargo, stores, supplies, or fuel." [35 Stat. L. 613.]

See note to sec. 1, *supra*.

An Act To amend section eight of the Act approved May twenty-eighth, nineteen hundred and eight, entitled "An Act to amend the laws relating to navigation, and for other purposes."

[Act of Feb. 16, 1909, ch. 132, 35 Stat. L. 623.]

[*New York harbor — life lines not required on certain scows carrying garbage, etc. — names, etc., on ends of boats.*] That the requirements in regard to life line or rope contained in section eight of the Act approved May twenty-eighth, nineteen hundred and eight (being chapter two hundred and twelve of the Statutes at Large, first session Sixtieth Congress) entitled "An Act to amend the laws relating to navigation, and for other purposes," shall not apply to any scow or boat the deck outside the coaming or rail of which shall not exceed one foot in width. On any such scow or boat its name or number and owner's name painted in letters and numbers, at least fourteen inches long on both ends of such scow or boat, shall be a compliance with the provisions of the said section in regard to name, number, and owner's name. [35 Stat. L. 623.]

For sec. 8 of the Act of May 28, 1908, referred to above, see the title RIVERS, HARBORS, AND CANALS, p. 609.

SILVER COINS.

See COINAGE, MINTS, AND ASSAY OFFICES.

SILVER WARE.

False Stamping of, see FALSE STAMPING.

SLAVE TRADE.

See *PENAL LAWS*.

SOLDIERS' HOMES.

See *HOSPITALS AND ASYLUMS*.

SPANISH TREATY CLAIMS COMMISSION.

See *CLAIMS*.

SPONGES.

Act of June 20, 1906, Ch. 3442, 628.

Sec. 1. Sponges — Landing, etc., Taken by Diving in Gulf of Mexico, etc., Unlawful — Exception — Size Restricted, 628.

- 2. Penalties, 629.*
- 3. Prosecutions, 629.*
- 4. Enforcement, 629.*

An Act To regulate the landing, delivery, cure, and sale of sponges.

[Act of June 20, 1906, ch. 3442, 34 Stat. L. 313.]

[SEC. 1.] [*Sponges — landing, etc., taken by diving in Gulf of Mexico, etc., unlawful — exception — size restricted.*] That from and after May first, anno Domini nineteen hundred and seven, it shall be unlawful to land, deliver, cure, or offer for sale at any port or place in the United States any sponges taken by means of diving or diving apparatus from the waters of the Gulf of Mexico or Straits of Florida: *Provided*, That sponges taken or gathered by such process between October first and May first of each year in a greater depth of water than fifty feet shall not be subject to the provisions of this Act: *And provided further*, That no sponges taken from said waters shall be landed, delivered, cured, or offered for sale at any port or place in the United States of a smaller size than four inches in diameter. [34 Stat. L. 313.]

SEC. 2. [*Penalties.*] That every person guilty of a violation of this Act shall for each offense be liable to a fine of not less than one hundred dollars or more than five hundred dollars, which fine shall be a lien against the vessel on which the offense was committed. And every vessel used or employed in violation of this Act shall be liable to a fine of not less than one hundred dollars or more than five hundred dollars or forfeiture, and shall be seized and proceeded against by process of libel in any court having jurisdiction of the offense. [34 Stat. L. 313.]

SEC. 3. [*Prosecutions.*] That any violation of this Act shall be prosecuted in the district court of the United States of the district wherein the offense was committed. [34 Stat. L. 314.]

SEC. 4. [*Enforcement.*] That it shall be the duty of the Secretary of Commerce and Labor to enforce the provisions of this Act, and upon his request the Secretary of the Treasury and the Secretary of the Navy may employ the vessels of the Revenue-Cutter Service and of the Navy, respectively, to that end. [34 Stat. L. 314.]

STATE DEPARTMENT.

Act of June 22, 1906, Ch. 3514, 630.

Sec. 1. Personal Services in Department Restricted, 630.

Act of Feb. 22, 1907, Ch. 1184, 630.

Sec. 1. Bureau of American Republics — Use of Receipts from Other Republics, Sales, etc. — Monthly Bulletin, 630.

Act of May 21, 1908, Ch. 183, 630.

Bureau of American Republics — Use of Receipts, 630.

Act of Feb. 17, 1909, Ch. 137, 631.

Sec. 1. Secretary of State — Salary of, Reduced, 631.

2. Emoluments Limited, 631.

3. Effect, 631.

CROSS-REFERENCE.

See *DIPLOMATIC AND CONSULAR OFFICERS.*

[SEC. 1.] [*Personal services in department restricted.*] * * * That hereafter there shall not be employed in the Department of State or in connection with said Department in the District of Columbia any personal services other than those which shall be specifically authorized or appropriated for. [34 Stat. L. 402.]

This is from the Legislative, Executive, and Judicial Appropriation Act of June 22, 1906, ch. 3514.

[SEC. 1.] [*Bureau of American Republics — use of receipts from other republics, sales, etc. — monthly bulletin.*] * * * Commercial Bureau of American Republics, thirty-six thousand dollars: *Provided*, That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, from rents, or other sources, shall be paid into the Treasury as a credit in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau: *And provided further*, That the Public Printer be, and is hereby, authorized to print an edition of the Monthly Bulletin, not to exceed five thousand copies, for distribution by the Bureau every month during the fiscal year ending June thirtieth, nineteen hundred and eight. [34 Stat. L. 921.]

This is from the Diplomatic and Consular Appropriation Act of Feb. 22, 1907, ch. 1184.

[*Bureau of American Republics — use of receipts.*] * * * That any moneys received from the other American Republics for the support of the Bureau, or from the sale of the Bureau publications, shall be paid into the Treasury as a credit, in addition to the appropriation, and may be drawn therefrom upon requisitions of the Secretary of State for the purpose of meeting the expenses of the Bureau. [35 Stat. L. 177.]

This is from the Diplomatic and Consular Appropriation Act of May 21, 1908, ch. 183,

An Act In relation to the salary of the Secretary of State.

[Act of Feb. 17, 1909, ch. 137, 35 Stat. L. 626.]

[SEC. 1.] [*Secretary of State — salary of, reduced.*] That section four of the Act entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and eight, and for other purposes," approved February twenty-sixth, nineteen hundred and seven, fixing the annual compensation of heads of executive departments, be, and the same is hereby, repealed in so far as the same relates to the annual compensation of the Secretary of State; and the annual compensation of the Secretary of State shall be at the rate of eight thousand dollars. [35 Stat. L. 626.]

For sec. 4 of the Act of Feb. 26, 1907, see the title CONGRESS, *ante*, p. 79.

SEC. 2. [*Emoluments limited.*] That on and after March fourth, nineteen hundred and nine, there shall be no emoluments attached to the office of Secretary of State other than those which by the law in force on the first day of May, nineteen hundred and four, belonged and were then attached to said office. [35 Stat. L. 626.]

SEC. 3. [*Effect.*] That this Act shall take effect and be in force from and after March fourth, nineteen hundred and nine. [35 Stat. L. 626.]

STATES.

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An Act To enable the people of Oklahoma and of the Indian Territory to form a constitution and State government and be admitted into the Union on an equal footing with the original States; and to enable the people of New Mexico and of Arizona to form a constitution and State government and be admitted into the Union on an equal footing with the original States.

[Act of June 16, 1906, ch. 3335, 34 Stat. L. 267.]

[SEC. 1.] [Admission of Oklahoma and Indian Territory as state.] That the inhabitants of all that part of the area of the United States now constituting the Territory of Oklahoma and the Indian Territory, as at present described, may adopt a constitution and become the State of Oklahoma, as hereinafter provided: *Provided*, That nothing contained in the said constitution shall be

construed to limit or impair the rights of person or property pertaining to the Indians of said Territories (so long as such rights shall remain unextinguished) or to limit or affect the authority of the Government of the United States to make any law or regulation respecting such Indians, their lands, property, or other rights by treaties, agreement, law, or otherwise, which it would have been competent to make if this Act had never been passed. [34 Stat. L. 267.]

SEC. 2. [*Constitutional convention — election — capital at Guthrie.*] That all male persons over the age of twenty-one years, who are citizens of the United States, or who are members of any Indian nation or tribe in said Indian Territory and Oklahoma, and who have resided within the limits of said proposed State for at least six months next preceding the election, are hereby authorized to vote for and choose delegates to form a constitutional convention for said proposed State; and all persons qualified to vote for said delegates shall be eligible to serve as delegates; and the delegates to form such convention shall be one hundred and twelve in number, fifty-five of whom shall be elected by the people of the Territory of Oklahoma, and fifty-five by the people of Indian Territory, and two shall be elected by the electors residing in the Osage Indian Reservation in the Territory of Oklahoma; and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall apportion the Territory of Oklahoma into fifty-six districts, as nearly equal in population as may be, except that such apportionment shall include as one district the Osage Indian Reservation, and the governor, the chief justice, and the secretary of the Territory of Oklahoma shall appoint an election commissioner who shall establish voting precincts in said Osage Indian Reservation, and shall appoint the judges for election in said Osage Indian Reservation; and two delegates shall be elected from said Osage district; and the Commissioner to the Five Civilized Tribes, and two judges of the United States courts for the Indian Territory, to be designated by the President, shall constitute a board, which shall apportion the said Indian Territory into fifty-five districts, as nearly equal in population as may be, and one delegate shall be elected from each of said districts; and the governor of said Oklahoma Territory, together with the judge senior in service of the United States courts in Indian Territory, shall, by proclamation in which such apportionment shall be fully specified and announced, order an election of the delegates aforesaid in said proposed State at a time designated by them within six months after the approval of this Act, which proclamation shall be issued at least sixty days prior to the time of holding said election of delegates. The election for delegates in the Territory of Oklahoma and in said Indian Territory shall be conducted, the returns made, the result ascertained, and the certificates of all persons elected to such convention issued in the same manner as is prescribed by the laws of the Territory of Oklahoma regulating elections for Delegates to Congress. That the election laws of the Territory of Oklahoma now in force, as far as applicable and not in conflict with this Act, including the penal laws of said Territory of Oklahoma relating to elections and illegal voting, are hereby extended to and put in force in said Indian Territory until the legislature of said proposed State shall otherwise provide, and until all persons offending against said laws in the election aforesaid shall have been dealt with in the manner therein provided. And the United States courts of said Indian Territory shall have the same power to enforce the laws of the Territory of Oklahoma, hereby extended to and put in force in said Territory, as have the courts of the Territory of Oklahoma: *Provided, however,* That said board to apportion districts in Indian Territory shall, for the purpose of said election,

appoint an election commissioner for each district who shall distribute all ballots and election supplies to the several precincts in his district, receive the election returns from the judges in precincts, and deliver the same to the canvassing board herein named, establish and define the necessary election precincts, and appoint three judges of election for each precinct, not more than two of whom shall be of the same political party, which judges may appoint the necessary clerk or clerks; that said judges of election, so appointed, shall supervise the election in their respective precincts, and canvass and make due return of the vote cast, to the election commissioner for said district who shall deliver said returns, poll books, and ballots to said board, which shall constitute the ultimate and final canvassing board of said election, and they shall issue certificates of election to all persons elected to such convention from the various districts of the Indian Territory, and their certificates of election shall be prima facie evidence as to the election of delegates: *Provided further*, That in said Indian Territory and Osage Indian Reservation, nominations for delegate to said constitutional convention may be made by convention, by the Republican, Democratic, and People's Party, or by petition in the manner provided by the laws of the Territory of Oklahoma; and certificates and petitions of nomination in said Indian Territory shall be filed with the districting and canvassing board who shall perform the duties of election commissioner under said law, and shall prepare, print, and distribute all ballots, poll books, and election supplies necessary for the holding of said election under said laws. The capital of said State shall temporarily be at the city of Guthrie, in the present Territory of Oklahoma and shall not be changed therefrom previous to anno Domini nineteen hundred and thirteen, but said capital shall, after said year, be located by the electors of said State at an election to be provided for by the legislature: *Provided, however*, That the legislature of said State, except as shall be necessary for the convenient transaction of the public business of said State at said capital, shall not appropriate any public moneys of the State for the erection of buildings for capitol purposes during such period. [34 Stat. L. 268.]

SEC. 3. [*Meeting of convention—the constitution.*] That the delegates to the convention thus elected shall meet at the seat of government of said Oklahoma Territory on the second Tuesday after their election, excluding the day of election in case such day shall be Tuesday, but they shall not receive compensation for more than sixty days of service, and, after organization, shall declare, on behalf of the people of said proposed State, that they adopt the Constitution of the United States; whereupon the said convention shall, and is hereby authorized to, form a constitution and State government for said proposed State. The constitution shall be republican in form, and make no distinction in civil or political rights on account of race or color, and shall not be repugnant to the Constitution of the United States and the principles of the Declaration of Independence. And said convention shall provide in said constitution —

First. That perfect toleration of religious sentiment shall be secured, and that no inhabitant of said State shall ever be molested in person or property on account of his or her mode of religious worship, and that polygamous or plural marriages are forever prohibited.

Second. That the manufacture, sale, barter, giving away, or otherwise furnishing, except as hereinafter provided, of intoxicating liquors within those parts of said State now known as the Indian Territory and the Osage Indian Reservation and within any other parts of said State which existed as Indian

reservations on the first day of January, nineteen hundred and six, is prohibited for a period of twenty-one years from the date of the admission of said State into the Union, and thereafter until the people of said State shall otherwise provide by amendment of said constitution and proper State legislation. Any person, individual or corporate, who shall manufacture, sell, barter, give away, or otherwise furnish any intoxicating liquor of any kind, including beer, ale, and wine, contrary to the provisions of this section, or who shall, within the above-described portions of said State, advertise for sale or solicit the purchase of any such liquors, or who shall ship or in any way convey such liquors from other parts of said State into the portions hereinbefore described, shall be punished, on conviction thereof, by fine not less than fifty dollars and by imprisonment not less than thirty days for each offense: *Provided*, That the legislature may provide by law for one agency under the supervision of said State in each incorporated town of not less than two thousand population in the portions of said State hereinbefore described; and if there be no incorporated town of two thousand population in any county in said portions of said State, such county shall be entitled to have one such agency, for the sale of such liquors for medicinal purposes; and for the sale, for industrial purposes, of alcohol which shall have been denaturized by some process approved by the United States Commissioner of Internal Revenue; and for the sale of alcohol for scientific purposes to such scientific institutions, universities, and colleges as are authorized to procure the same free of tax under the laws of the United States; and for the sale of such liquors to any apothecary who shall have executed an approved bond, in a sum not less than one thousand dollars, conditioned that none of such liquors shall be used or disposed of for any purpose other than in the compounding of prescriptions or other medicines, the sale of which would not subject him to the payment of the special tax required of liquor dealers by the United States, and the payment of such special tax by any person within the parts of said State hereinabove defined shall constitute prima facie evidence of his intention to violate the provisions of this section. No sale shall be made except upon the sworn statement of the applicant in writing setting forth the purpose for which the liquor is to be used, and no sale shall be made for medicinal purposes except sales to apothecaries as hereinabove provided unless such statement shall be accompanied by a bona fide prescription signed by a regular practicing physician, which prescription shall not be filled more than once. Each sale shall be duly registered, and the register thereof, together with the affidavits and prescriptions pertaining thereto, shall be open to inspection by any officer or citizen of said State at all times during business hours. Any person who shall knowingly make a false affidavit for the purpose aforesaid shall be deemed guilty of perjury. Any physician who shall prescribe any such liquor, except for treatment of disease which after his own personal diagnosis he shall deem to require such treatment, shall, upon conviction thereof, be punished for each offense by fine of not less than two hundred dollars or by imprisonment for not less than thirty days, or by both such fine and imprisonment; and any person connected with any such agency who shall be convicted of making any sale or other disposition of liquor contrary to these provisions shall be punished by imprisonment for not less than one year and one day. Upon the admission of said State into the Union these provisions shall be immediately enforceable in the courts of said State.

Third. That the people inhabiting said proposed State do agree and declare that they forever disclaim all right and title in or to any unappropriated public lands lying within the boundaries thereof, and to all lands lying within

said limits owned or held by any Indian, tribe, or nation; and that until the title to any such public land shall have been extinguished by the United States, the same shall be and remain subject to the jurisdiction, disposal, and control of the United States. That land belonging to citizens of the United States residing without the limits of said State shall never be taxed at a higher rate than the land belonging to residents thereof; that no taxes shall be imposed by the State on lands or property belonging to or which may hereafter be purchased by the United States or reserved for its use.

Fourth. That the debts and liabilities of said Territory of Oklahoma shall be assumed and paid by said State.

Fifth. That provisions shall be made for the establishment and maintenance of a system of public schools, which shall be open to all the children of said State and free from sectarian control; and said schools shall always be conducted in English: *Provided*, That nothing herein shall preclude the teaching of other languages in said public schools: *And provided further*, That this shall not be construed to prevent the establishment and maintenance of separate schools for white and colored children.

Sixth. That said State shall never enact any law restricting or abridging the right of suffrage on account of race, color, or previous condition of servitude. [34 Stat. L. 269.]

SEC. 4. [*Submission of constitution to people.*] That in case a constitution and State government shall be formed in compliance with the provisions of this Act the convention forming the same shall provide by ordinance for submitting said constitution to the people of said proposed State for its ratification or rejection at an election to be held at a time fixed in said ordinance, at which election the qualified voters for said proposed State shall vote directly for or against the proposed constitution, and for or against any provisions separately submitted. The returns of said election shall be made to the secretary of the Territory of Oklahoma, who, with the chief justice thereof and the senior judge of the United States court of appeals for the Indian Territory, shall canvass the same; and if a majority of the legal votes cast on that question shall be for the constitution the governor of Oklahoma Territory and the judge senior in service of the United States court of appeals for the Indian Territory shall certify the result to the President of the United States, together with the statement of the votes cast thereon, and upon separate articles or propositions and a copy of said constitution, articles, propositions, and ordinances. And if the constitution and government of said proposed State are republican in form, and if the provisions in this Act have been complied with in the formation thereof, it shall be the duty of the President of the United States, within twenty days from the receipt of the certificate of the result of said election and the statement of votes cast thereon and a copy of said constitution, articles, propositions, and ordinances, to issue his proclamation announcing the result of said election; and thereupon the proposed State of Oklahoma shall be deemed admitted by Congress into the Union, under and by virtue of this Act, on an equal footing with the original States. The original of said constitution, articles, propositions, and ordinances, and the election returns, and a copy of the statement of the votes cast at said election, shall be forwarded and turned over by the secretary of the Territory of Oklahoma to the State authorities of said State. [34 Stat. L. 271.]

Submission of constitution.—Congress, by the express terms of this Act, conferred the power and authority upon the constitutional

convention to pass an appropriate ordinance for submitting the constitution to the people for ratification or rejection at an election to

be held at a time fixed in such ordinance. *Frantz v. Autry*, 18 Okla. 561, 91 Pac. 193.

An ordinance, as used in this Act, means a law which is essential to carrying into effect merely the objects for which the convention

was created. Such an ordinance, when once adopted by the convention, has the force and effect of law. *Frantz v. Autry*, 18 Okla. 561, 91 Pac. 193.

SEC. 5. [*Appropriation for election and convention expenses.*] That the sum of one hundred thousand dollars, or so much thereof as may be necessary, is hereby appropriated, out of any money in the Treasury not otherwise appropriated, for the defraying of the expenses of the elections provided for in this Act, and said convention, and for the payment of the members thereof, under the same rules and regulations and at the same rates as are now provided by law for the payment of the Territorial legislature of the Territory of Oklahoma, and the disbursements of the money appropriated by this section shall be made by the secretary of the Territory of Oklahoma. [*34 Stat. L. 271.*]

SEC. 6. [*Representatives in Congress.*] That until the next general census, or until otherwise provided by law, the said State of Oklahoma shall be entitled to five Representatives in the House of Representatives of the United States, to be elected from the following-described districts, the boundaries of which shall remain the same until the next general census:

That district numbered one shall comprise the counties of Grant, Kay, Garfield, Noble, Pawnee, Kingfisher, Logan, Payne, Lincoln, and the territory comprising the Osage and Kansas Indian reservations.

That district numbered two shall comprise the counties of Oklahoma, Canadian, Blaine, Caddo, Custer, Dewey, Day, Woods, Woodward, and Beaver.

That district numbered three shall (with the exception of that part of recording district numbered twelve, which is in the Cherokee and Creek nations) comprise all the territory now constituting the Cherokee, Creek, and Seminole nations, and the Indian reservations lying northeast of the Cherokee Nation; within said State.

That district numbered four shall comprise all that territory now constituting the Choctaw Nation, that part of recording district numbered twelve which is in the Cherokee and Creek nations, that part of recording district numbered twenty-five which is in the Chickasaw Nation, and the territory comprising recording districts numbered sixteen, twenty-one, twenty-two, and twenty-six, in the Indian Territory.

That district numbered five shall comprise the counties of Greer, Roger Mills, Kiowa, Washita, Comanche, Cleveland, and Pottawatomie, and the territory comprising recording districts numbered seventeen, eighteen, nineteen, and twenty, in the Chickasaw Nation, Indian Territory.

And the said Representatives, together with the governor and other officers provided for in said constitution, shall be elected on the same day of the election for the ratification or rejection of the constitution; and until said officers are elected and qualified under the provisions of such constitution and the said State is admitted into the Union, the Territorial officers of Oklahoma Territory shall continue to discharge the duties of their respective offices in said Territory. [*34 Stat. L. 271.*]

SEC. 7. [*Grant of lands for schools — appropriation for schools in lieu of Indian Territory lands — Sulphur Springs Reservation.*] That upon the admission of the State into the Union sections numbered sixteen and thirty-six, in every township in Oklahoma Territory, and all indemnity lands heretofore selected in lieu thereof, are hereby granted to the State for the use and benefit of the common schools; *Provided*, That sections sixteen and thirty-six embraced

in permanent reservations for national purposes shall not at any time be subject to the grant nor the indemnity provisions of this Act, nor shall any lands embraced in Indian, military, or other reservations of any character, nor shall land owned by Indian tribes or individual members of any tribe be subjected to the grants or to the indemnity provisions of this Act until the reservation shall have been extinguished and such lands be restored to and become a part of the public domain: *Provided*, That there is sufficient untaken public land within said State to cover this grant: *And provided*, That in case any of the lands herein granted to the State of Oklahoma have heretofore been confirmed to the Territory of Oklahoma for the purposes specified in this Act, the amount so confirmed shall be deducted from the quantity specified in this Act.

There is hereby appropriated, out of any money in the Treasury not otherwise appropriated, the sum of five million dollars for the use and benefit of the common schools of said State in lieu of sections sixteen and thirty-six, and other lands of the Indian Territory. Said appropriation shall be paid by the Treasurer of the United States at such time and to such person or persons as may be authorized by said State to receive the same under laws to be enacted by said State, and until said State shall enact such laws said appropriation shall not be paid, but said State shall be allowed interest thereon at the rate of three per centum per annum, which shall be paid to said State for the use and benefit of its public schools. Said appropriation of five million dollars shall be held and invested by said State, in trust, for the use and benefit of said schools, and the interest thereon shall be used exclusively in the support and maintenance of said schools: *Provided*, That nothing in this Act contained shall repeal or affect any Act of Congress relating to the Sulphur Springs Reservation as now defined or as may be hereafter defined or extended, or the power of the United States over it or any other lands embraced in the State hereafter set aside by Congress as a national park, game preserve, or for the preservation of objects of archaeological or ethnological interest; and nothing contained in this Act shall interfere with the rights and ownership of the United States in any land hereafter set aside by Congress as national park, game preserve, or other reservation, or in the said Sulphur Springs Reservation, as it now is or may be hereafter defined or extended by law; but exclusive legislation, in all cases whatsoever, shall be exercised by the United States, which shall have exclusive control and jurisdiction over the same; but nothing in this proviso contained shall be construed to prevent the service within said Sulphur Springs Reservation or national parks, game preserves, and other reservations hereafter established by law, of civil and criminal processes lawfully issued by the authority of said State, and said State shall not be entitled to select indemnity school lands for the thirteenth, sixteenth, thirty-third, and thirty-sixth sections that may be embraced within the metes and bounds of the national park, game preserve, and other reservation or the said Sulphur Springs Reservation, as now defined or may be hereafter defined. [34 Stat. L. 272.]

SEC. 8. [*University, etc., grants — allotment — use of lands and proceeds — lands for public institutions and buildings — mineral and oil lands.*] That section thirteen in the Cherokee Outlet, the Tonkawa Indian Reservation, and the Pawnee Indian Reservation, reserved by the President of the United States by proclamation issued August nineteenth, eighteen hundred and ninety-three, opening to settlement the said lands, and by any Act or Acts of Congress since said date, and section thirteen in all other lands which have been or may be opened to settlement in the Territory of Oklahoma, and all lands heretofore selected in lieu thereof, is hereby reserved and granted to said State for the

use and benefit of the University of Oklahoma and the University Preparatory School, one-third; of the normal schools now established or hereafter to be established, one-third; and of the Agricultural and Mechanical College and the Colored Agricultural Normal University, one-third. The said lands or the proceeds thereof as above apportioned shall be divided between the institutions as the legislature of said State may prescribe: *Provided*, That the said lands so reserved or the proceeds of the sale thereof shall be safely kept or invested and held by said State, and the income thereof, interest, rentals, or otherwise, only shall be used exclusively for the benefit of said educational institutions. Such educational institutions shall remain under the exclusive control of said State, and no part of the proceeds arising from the sale or disposal of any lands herein granted for educational purposes, or the income or rentals thereof, shall be used for the support of any religious or sectarian school, college, or university.

That section thirty-three, and all lands heretofore selected in lieu thereof, heretofore reserved under said proclamation, and Acts for charitable and penal institutions and public buildings, shall be apportioned and disposed of as the legislature of said State may prescribe.

Where any part of the lands granted by this Act to the State of Oklahoma are valuable for minerals, which terms shall also include gas and oil, such lands shall not be sold by the said State prior to January first, nineteen hundred and fifteen; but the same may be leased for periods not exceeding five years by the State officers duly authorized for that purpose, such leasing to be made by public competition after not less than thirty days' advertisement in the manner to be prescribed by law, and all such leasing shall be done under sealed bids and awarded to the highest responsible bidder. The leasing shall require and the advertisement shall specify in each case a fixed royalty to be paid by the successful bidder, in addition to any bonus offered for the lease, and all proceeds from leases shall be covered into the fund to which they shall properly belong, and no transfer or assignment of any lease shall be valid or confer any right in the assignee without the consent of the proper State authorities in writing: *Provided, however*, That agricultural lessees in possession of such lands shall be reimbursed by the mining lessees for all damage done to said agricultural lessees' interest therein by reason of such mining operations. The legislature of the State may prescribe additional legislation governing such leases not in conflict herewith. [34 Stat. L. 273.]

SEC. 9. [*Disposal of common-school lands — school fund from proceeds — leases, etc.*] That said sections sixteen and thirty-six, and lands taken in lieu thereof, herein granted for the support of the common schools, if sold, may be appraised and sold at public sale in one hundred and sixty acre tracts or less, under such rules and regulations as the legislature of the said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale, the proceeds to constitute a permanent school fund, the interest of which only shall be expended in the support of such schools. But said lands may, under such regulations as the legislature may prescribe, be leased for periods not to exceed ten years; and such lands shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for school purposes only. [34 Stat. L. 274.]

SEC. 10. [*University and public institution lands — sales or leases — appraisal of improvements — payment by purchaser.*] That said sections thirteen and thirty-three, aforesaid, if sold, may be appraised and sold at public sale,

in one hundred and sixty acre tracts or less, under such rules and regulations as the legislature of said State may prescribe, preference right to purchase at the highest bid being given to the lessees at the time of such sale, but such lands may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and until such time as the legislature shall prescribe such rules these and all other lands granted to the State shall be leased under existing rules and regulations, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe as aforesaid such lands shall be leased under existing rules: *Provided*, That before any of the said lands shall be sold, as provided in sections nine and ten of this Act, the said lands and the improvements thereon shall be appraised by three disinterested appraisers, who shall be nonresidents of the county wherein the land is situated, to be designated as the legislature of said State shall prescribe, and the said appraisers shall make a true appraisal of said lands at the actual cash value thereof, exclusive of improvements, and shall separately appraise all permanent improvements thereon at their fair and reasonable value, and in case the leaseholder does not become the purchaser, the purchaser at said sale shall, under such rules and regulations as the legislature may prescribe, pay to or for the leaseholder the appraised value of said improvements, and to the State the amount bid for the said lands, exclusive of the appraised value of improvements; and at said sale no bid for any tract at less than the appraisal thereof shall be accepted. [34 Stat. L. 274.]

SEC. 11. [*Use of five per cent. fund for common schools.*] That an amount equal to five per centum of the proceeds of the sales of public lands lying within said State shall be paid to the said State, to be used as a permanent fund, the interest only of which shall be expended for the support of the common schools within said State. [34 Stat. L. 274.]

SEC. 12. [*Lands in lieu of internal improvements and swamp-land grants.*] That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the Act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to said State, and in lieu of any claim or demand of the State of Oklahoma under the Act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State of Oklahoma, the following grant of land is hereby made to said State from public lands of the United States within said State, for the purposes indicated, namely: For the benefit of the Oklahoma University, two hundred and fifty thousand acres; for the benefit of the University Preparatory School, one hundred and fifty thousand acres; for the benefit of the Agricultural and Mechanical College, two hundred and fifty thousand acres; for the benefit of the Colored Agricultural and Normal University, one hundred thousand acres; for the benefit of normal schools, now established or hereafter to be established, three hundred thousand acres. The lands granted by this section shall be selected by the board for leasing school lands of the Territory of Oklahoma immediately upon the approval of this Act. Said selections as soon as made shall be certified to the Secretary of the Interior, and the lands so selected shall be thereupon withdrawn from homestead entry. [34 Stat. L. 274.]

For R. S. sec. 2479, see 6 Fed. Stat. Annot. 399.

SEC. 13. [*Judicial districts created — courts — attached to eighth circuit — judges, attorneys, and marshals — clerks — terms — jurisdiction of courts and officials — Oklahoma laws extended.*] That said State when admitted as aforesaid shall constitute two judicial districts, to be known as the eastern district of Oklahoma and the western district of Oklahoma; the said Indian Territory shall constitute said eastern district, and the said Oklahoma Territory shall constitute said western district. The circuit and district courts for the eastern district shall be held one term at Muskogee, one term at Vinita, one term at Tulsa, one term at South McAlester, one term at Chickasha, and one term at Ardmore, each year, and the circuit and district courts of the western district shall be held one term at Guthrie, one term at Oklahoma City, and one term at Enid, and one term at Lawton, each year, for the time being. And the said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. There shall be appointed a clerk for each of said districts, who shall keep his office at Muskogee and Guthrie, respectively, for the time being. The regular term of said courts shall be held at the places designated in this Act, at Muskogee on the first Monday in January and at Vinita on the first Monday in March and at Tulsa on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; at Chickasha on the first Monday of November; at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June, and at Lawton on the first Monday in October, in each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerk of each of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in other districts of the United States; and that the laws in force in the Territory of Oklahoma, as far as applicable, shall extend over and apply to said State until changed by the legislature thereof. [34 Stat. L. 275.]

SEC. 14. [*Prosecutions of crimes.*] That all prosecutions for crimes or offenses hereafter committed in either of said judicial districts as hereby constituted shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not yet been found or proceedings instituted shall be cognizable within the judicial district as hereby constituted in which such crimes or offenses were committed. [34 Stat. L. 275.]

SEC. 15. [*Determination of appeals and writs of error — time allowed.*] That all appeals or writs of error taken from the supreme court of Oklahoma Territory, or the United States court of Appeals in the Indian Territory to the Supreme Court of the United States or the United States circuit court of appeals for the eighth circuit, previous to the final admission of such State

in one hundred and sixty acre tracts or less, under such rules and regulations as the legislature of said State may prescribe, preference right to purchase at the highest bid being given to the lessee at the time of such sale, but such lands may be leased for periods of not more than five years, under such rules and regulations as the legislature shall prescribe, and until such time as the legislature shall prescribe such rules these and all other lands granted to the State shall be leased under existing rules and regulations, and shall not be subject to homestead entry or any other entry under the land laws of the United States, whether surveyed or unsurveyed, but shall be reserved for designated purposes only, and until such time as the legislature shall prescribe as aforesaid such lands shall be leased under existing rules: *Provided*, That before any of the said lands shall be sold, as provided in sections nine and ten of this Act, the said lands and the improvements thereon shall be appraised by three disinterested appraisers, who shall be nonresidents of the county wherein the land is situated, to be designated as the legislature of said State shall prescribe, and the said appraisers shall make a true appraisement of said lands at the actual cash value thereof, exclusive of improvements, and shall separately appraise all permanent improvements thereon at their fair and reasonable value, and in case the leaseholder does not become the purchaser, the purchaser at said sale shall, under such rules and regulations as the legislature may prescribe, pay to or for the leaseholder the appraised value of said improvements, and to the State the amount bid for the said lands, exclusive of the appraised value of improvements; and at said sale no bid for any tract at less than the appraisement thereof shall be accepted. [34 Stat. L. 274.]

SEC. 11. [*Use of five per cent. fund for common schools.*] That an amount equal to five per centum of the proceeds of the sales of public lands lying within said State shall be paid to the said State, to be used as a permanent fund, the interest only of which shall be expended for the support of the common schools within said State. [34 Stat. L. 274.]

SEC. 12. [*Lands in lieu of internal improvements and swamp-land grants.*] That in lieu of the grant of land for purposes of internal improvement made to new States by the eighth section of the Act of September fourth, eighteen hundred and forty-one, which section is hereby repealed as to said State, and in lieu of any claim or demand of the State of Oklahoma under the Act of September twenty-eighth, eighteen hundred and fifty, and section twenty-four hundred and seventy-nine of the Revised Statutes, making a grant of swamp and overflowed lands, which grant it is hereby declared is not extended to said State of Oklahoma, the following grant of land is hereby made to said State from public lands of the United States within said State, for the purposes indicated, namely: For the benefit of the Oklahoma University, two hundred and fifty thousand acres; for the benefit of the University Preparatory School, one hundred and fifty thousand acres; for the benefit of the Agricultural and Mechanical College, two hundred and fifty thousand acres; for the benefit of the Colored Agricultural and Normal University, one hundred thousand acres; for the benefit of normal schools, now established or hereafter to be established, three hundred thousand acres. The lands granted by this section shall be selected by the board for leasing school lands of the Territory of Oklahoma immediately upon the approval of this Act. Said selections as soon as made shall be certified to the Secretary of the Interior, and the lands so selected shall be thereupon withdrawn from homestead entry. [34 Stat. L. 274.]

For R. S. sec. 2479, see 6 Fed. Stat. Annot. 399.

SEC. 13. [*Judicial districts created — courts — attached to eighth circuit — judges, attorneys, and marshals — clerks — terms — jurisdiction of courts and officials — Oklahoma laws extended.*] That said State when admitted as aforesaid shall constitute two judicial districts, to be known as the eastern district of Oklahoma and the western district of Oklahoma; the said Indian Territory shall constitute said eastern district, and the said Oklahoma Territory shall constitute said western district. The circuit and district courts for the eastern district shall be held one term at Muskogee, one term at Vinita, one term at Tulsa, one term at South McAlester, one term at Chickasha, and one term at Ardmore, each year, and the circuit and district courts of the western district shall be held one term at Guthrie, one term at Oklahoma City, and one term at Enid, and one term at Lawton, each year, for the time being. And the said districts shall, for judicial purposes, until otherwise provided, be attached to the eighth judicial circuit. There shall be appointed for each of said districts one district judge, one United States attorney, and one United States marshal. There shall be appointed a clerk for each of said districts, who shall keep his office at Muskogee and Guthrie, respectively, for the time being. The regular term of said courts shall be held at the places designated in this Act, at Muskogee on the first Monday in January and at Vinita on the first Monday in March and at Tulsa on the first Monday in April; at South McAlester on the first Monday in June; at Ardmore on the first Monday in October; at Chickasha on the first Monday of November; at Guthrie on the first Monday in January; at Oklahoma City on the first Monday in March; at Enid on the first Monday in June, and at Lawton on the first Monday in October, in each year, and one grand jury shall be summoned in each year in each of said circuit and district courts. The circuit and district courts for each of said districts, and the judges thereof, respectively, shall possess the same powers and jurisdiction and perform the same duties required to be performed by the other circuit and district courts and judges of the United States, and shall be governed by the same laws and regulations. The marshal, district attorney, and clerk of each of the circuit and district courts of said districts, and all other officers and persons performing duties in the administration of justice therein, shall severally possess the powers and perform the duties lawfully required to be performed by similar officers in other districts of the United States, and shall, for the services they may perform, receive the fees and compensation now allowed by law to officers performing similar services for the United States in other districts of the United States; and that the laws in force in the Territory of Oklahoma, as far as applicable, shall extend over and apply to said State until changed by the legislature thereof. [34 Stat. L. 275.]

SEC. 14. [*Prosecutions of crimes.*] That all prosecutions for crimes or offenses hereafter committed in either of said judicial districts as hereby constituted shall be cognizable within the district in which committed, and all prosecutions for crimes or offenses committed before the passage of this Act in which indictments have not yet been found or proceedings instituted shall be cognizable within the judicial district as hereby constituted in which such crimes or offenses were committed. [34 Stat. L. 275.]

SEC. 15. [*Determination of appeals and writs of error — time allowed.*] That all appeals or writs of error taken from the supreme court of Oklahoma Territory, or the United States court of Appeals in the Indian Territory to the Supreme Court of the United States or the United States circuit court, of appeals for the eighth circuit, previous to the final admission of such State

shall be prosecuted to final determination as though this Act had not been passed. And all cases in which final judgment has been rendered in such Territorial appellate courts which appeals or writs of error might be had except for the admission of such State may still be sued out, taken, and prosecuted to the Supreme Court of the United States or the United States circuit court of appeals under the provisions of existing laws, and there held and determined in like manner, and in either case the Supreme Court of the United States, or the United States circuit court of appeals, in the event of reversal shall remand the said causes to either the State supreme court or other final appellate court of said State, or the United States circuit and district courts of said State, as the case may require: *Provided*, That the time allowed by existing law for appeals and writs of error from appellate courts of said Territories shall not be enlarged hereby, and all appeals and writs of error not sued out from the final judgments of said courts at the time of the admission of such State shall be taken within six months from such time. [34 Stat. L. 276.]

SEC. 16. [*Transfer of pending federal civil cases — limit of transfers — cases in circuit court — decision — appeals, etc. — prosecution of pending criminal cases — transfer to circuit or district court — jurisdiction of circuit courts.*] That all civil causes, proceedings, and matters pending in the supreme or district courts of Oklahoma Territory, or in the United States courts or United States court of appeals in the Indian Territory, arising under the Constitution, laws, or treaties of the United States, or affecting ambassadors, ministers, or consuls of the United States, or of any other country or state, or of admiralty, or of maritime jurisdiction, or in which the United States may be a party, or between citizens of the same State claiming lands under grants from different States; and all cases where there is a controversy between a citizen of either of said Territories prior to admission and a citizen of any State, or between a citizen of any State and a citizen or subject of any foreign state or country, in which cases of diversity of citizenship there shall be more than two thousand dollars in controversy, exclusive of interest and costs, shall be transferred to the proper United States circuit or district court established by this Act, for final disposition, and shall therein be proceeded with in the same manner as if originally brought therein: *Provided*, That said transfer shall not be made in any such case where the United States is not a party, except on application of one of the parties, in the court in which the cause is pending, at or before the second term of such court after the admission of said State, supported by oath, showing that the case is one which may be so transferred. The proceedings to effect such transfer, except as to time and parties, shall be the same as are now provided by law for the removal of causes from a State court to a circuit court of the United States. Cases transferred from appellate courts shall go to the circuit courts of the United States in such State, which courts, for the purpose of hearing such cases, are hereby vested with all the powers of such Territorial appellate courts. If the circuit court shall affirm the judgment, it shall, if the case be one then originally cognizable in the district court, remand it to that court for carrying into effect the judgment of the trial court; but if the case be one then originally cognizable in the circuit court, it shall carry into effect the judgment of the trial court. If the circuit court shall reverse the judgment, it shall, if the case be one then originally cognizable in the district court, remand the case to that court for a new trial; but if the case be one then originally cognizable in the circuit court, it shall set the case down for a new trial therein. All final judgments

and decrees rendered in such circuit and district courts in such transferred cases, may be reviewed by the Supreme Court of the United States, or by the United States circuit court of appeals, in the cases and in the same manner as is now provided by law with reference to the judgments and decrees of the existing United States circuit and district courts. Prosecutions for all crimes and offenses committed within the Territory of Oklahoma or in the Indian Territory, pending in the district courts of the Territory of Oklahoma or in the United States courts in the Indian Territory upon the admission of such Territories as a State, which, had they been committed within a State, would have been cognizable in the Federal courts, shall be transferred to and be proceeded with in the United States circuit or district court established by this Act for the district in which the offenses were committed, in the same manner and with the same effect as if they had been committed within a State. Prosecutions for all such offenses committed within either of said Territories and pending in the supreme court of the Territory of Oklahoma, or in the United States court of appeals in the Indian Territory, upon the admission of such Territories as a State, shall be transferred to the United States circuit courts created by this Act for the district within which the offense was committed, which courts are hereby vested with the same jurisdiction to hear such cases as is now vested in the appellate courts of such Territories. Upon the affirmance or reversal by the circuit court of a judgment in any such case, like proceedings shall be had; and like appeals and writs of error allowed; as is provided in this section of this Act in civil cases. [34 Stat. L. 1286.]

The above sec. 16 was "amended so as to read as" here given by sec. 1 of the Act of March 4, 1907, ch. 2911, and the original sec. 16 was, by sec. 4 of that Act, repealed.

Causes arising under United States laws. — An action against a federal railroad corporation, pending in the United States Court of Appeals for the Indian Territory at the time of the admission of the state into the Union, is an action arising under the laws of the United States, and under the above section may be removed to the federal courts. *Choctaw, etc., R. Co. v. Hamilton*, (Okla.) 95 Pac. 972; *Choctaw, etc., R. Co. v. Hendricks*, (Okla.) 95 Pac. 970.

Likewise, a joint action against three corporations for damages, one of which is a federal railroad corporation, is an action arising under the laws of the United States, and under this section may be removed to the federal courts upon a joint petition of all the defendants for such removal. *Choctaw, etc., R. Co. v. Hamilton*, (Okla.) 95 Pac. 972.

Transfer of cause transferred to Oklahoma Supreme Court. — Where a cause was transferred under this Act from the United States Court of Appeals for the Indian Territory to the Oklahoma Supreme Court and was regularly assigned for hearing at the first term of

the latter court, and the attorney of record for the plaintiff in error had notice thereof; and the cause was regularly reached for trial on the calendar, and no one appeared for the plaintiff in error, but the attorney of record appeared for the defendant in error, and the cause then and there was regularly submitted for final decision, it was held that the plaintiff in error had waived his right to thereafter move to have the cause transferred to the proper United States Circuit or District Court; that the transaction constituted an election to proceed in the state courts, and precluded the plaintiff in error from thereafter transferring the cause to the federal court for review. *Choctaw, etc., R. Co. v. Burgess*, (Okla.) 95 Pac. 606; *Lehigh v. Thomas*, (Okla.) 97 Pac. 362.

Validity. — The first and third sections of the Act of March 4, 1907, ch. 2911, amending secs. 16 and 20 of the Oklahoma Enabling Act, when concurred in by the state of Oklahoma by the adoption of secs. 27 and 28 of the Schedule to the Constitution, being a proper exercise of power by the Congress under art. 4, sec. 3, of the Constitution of the United States, are valid. *Higgins v. Brown*, (Okla.) 94 Pac. 703.

SEC. 17. [Determination of state cases in supreme court — review, etc.] That all causes, proceedings, and matters, civil or criminal, pending in the supreme court of the Territory of Oklahoma, or in the United States court of appeals in the Indian Territory, not transferred to the United States circuit or district courts in said State of Oklahoma shall be proceeded with, held, and determined by the supreme court or other final appellate court of such State as the successor of said supreme court of the Territory of Oklahoma and of

the United States court of appeals in the Indian Territory, subject to the same right to review upon appeal or writ of error to the Supreme Court of the United States now allowed from the supreme or final appellate court of a State under existing laws. [34 Stat. L. 1287.]

The above sec. 17 was "amended so as to read as" here given by sec. 2 of the Act of March 4, 1907, ch. 2911, and the original sec. 17 was, by sec. 4 of that Act, repealed.

SEC. 18. [*Supreme court — dockets, etc. — transfer of records of corporations.*] That the supreme court or other court of last resort of said State shall be deemed to be the successor of Territorial appellate courts, and shall take and possess any and all jurisdiction as such not herein otherwise specifically provided for, and shall receive and retain the custody of all books, dockets, records, and files not transferred to other courts as herein provided, subject to the duty to furnish transcript of all book entries in any specific case transferred to complete the record thereof. That all books, dockets, records, and files relating to the organization, management, and control of corporations which at the time of the approval of the Act of which this Act is amendatory were in the custody and possession of the clerk of the United States court of appeals for the Indian Territory shall be transferred to the custody of the secretary of state of the State of Oklahoma, and the then clerk of said court shall certify to the identity of said books, dockets, records, and files, and when the said clerk of the United States court of appeals for the Indian Territory has certified all books, records, documents, and files in his office relating to corporations to the secretary of the State of Oklahoma, it shall be the duty of the secretary of the State of Oklahoma to receive and retain the custody and control of the said records, books, documents, and files certified to him by the clerk of the court of appeals for the Indian Territory, and when received by the secretary of state of Oklahoma the same shall become a part of the records of the office of the secretary of the State, and the secretary of state is hereby empowered to furnish copies and to certify to the same, whose certificate, when made under the great seal of the State of Oklahoma, shall have the same force and effect as if the said books, records, documents, and files had been originally filed in the office of the secretary of the State of Oklahoma. [35 Stat. L. 843.]

This section was amended "so as to read as" above given by sec. 22 of the Act of March 3, 1909, ch. 269.

Section 23 of that Act provides that it shall go into effect July 1, 1909, and repeals conflicting provisions.

Section 18, above amended, originally read as follows:

"SEC. 18. That the supreme court or other court of last resort of said State shall be deemed to be the successor of said Territorial appellate courts and shall take and possess any and all jurisdiction as such, not herein otherwise specifically provided for, and shall receive and retain the custody of all books, dockets, records, and files not transferred to other courts, as herein provided, subject to the duty to furnish transcripts of all book entries in any specific case transferred to complete the record thereof." [34 Stat. L. 277.]

Appellate jurisdiction of Supreme Court. — This section confers upon the Supreme Court of the state just such jurisdiction to review judgments rendered and entered in actions in the United States courts of the Indian Territory prior to the admission of the state from which no appeal had been taken, as the United States Court of Appeals for the Indian Territory could have taken if it had not been dissolved by the advent of statehood. *Moberly v. Roth*, (Okla. 1909) 102 Pac. 182, *followed in Friend v. Roth*, (Okla. 1909) 102 Pac. 185, 186.

Power to overrule territorial decisions. — The Supreme Court of Oklahoma possesses the power under this Act and the constitution of the state to overrule an erroneous decision of the Supreme Court of the territory of Oklahoma. *Frick Co. v. Oats*, (Okla.) 94 Pac. 682.

SEC. 19. [*Courts of original jurisdiction — dockets, etc.*] That the courts of original jurisdiction of such State shall be deemed to be the successor of all courts of original jurisdiction of said Territories and as such shall take and retain custody of all records, dockets, journals, and files of such courts except in

causes transferred therefrom, as herein provided; the files and papers in such transferred cases shall be transferred to the proper United States circuit or district court, together with a transcript of all book entries to complete the record in such particular case so transferred. [34 Stat. L. 277.]

SEC. 20. [*Trial of cases, etc., pending in district and Indian Territory courts not transferred — appeals, etc. — pending criminal cases.*] That all causes, proceedings, and matters, civil or criminal, pending in the district courts of Oklahoma Territory, or in the United States courts in the Indian Territory, at the time said Territories become a State, not transferred to the United States circuit or district courts in the State of Oklahoma, shall be proceeded with, held, and determined by the courts of said State, the successors of said district courts of the Territory of Oklahoma, and the United States courts in the Indian Territory; with the right to prosecute appeals or writs of error to the supreme or appellate court of said State, and also with the same right to prosecute appeals or writs of error from the final determination in such cases made by the supreme or appellate court of such State to the Supreme Court of the United States, as is provided by law for appeals and writs of error from the supreme or [or] final appellate court of a State to the Supreme Court of the United States. All criminal cases pending in the United States courts in the Indian Territory, not transferred to the United States circuit or district courts in the State of Oklahoma, shall be prosecuted to a final determination in the State courts of Oklahoma under the laws now in force in that Territory. [34 Stat. L. 1287.]

The above sec. 20 was "amended so as to read as" here given by the Act of March 4, 1907, ch. 2911, and the original sec. 20 was, by sec. 4 of that Act, repealed.

Jurisdiction of criminal cases.—The provisions of this section having been concurred in by virtue of the provisions contained in secs. 27 and 28 of the Schedule of the Constitution, vested jurisdiction of all criminal cases, not of a federal character, pending at the time of the admission of the state into the Union, in the territorial courts of Oklahoma and in the United States courts in the Indian Territory, in the state courts of Oklahoma. *Higgins v. Brown*, (Okla.) 94 Pac. 703. Nor

is the jurisdiction of the state courts confined to cases pending at the time of admission; it extends to the prosecution of an offense committed in that part of the state formerly known as Oklahoma territory prior to the admission of the state into the Union, where no prosecution whatever had been begun thereon, not even a complaint or information having been filed against the accused prior to that date. *Ex p. Bailey*, (Okla.) 94 Pac. 553.

The District Court of the county of the state in which the offense was committed has jurisdiction of the offense. *Ex p. Bailey*, (Okla.) 94 Pac. 553; *Higgins v. Brown*, (Okla.) 94 Pac. 703.

SEC. 21. [*Election of full state officers — Osage Reservation to be separate county, etc. — state government in abeyance till admission — election of senators — certifying election of senators and representatives — operation of state government, etc. — United States laws.*] That the constitutional convention may by ordinance provide for the election of officers for a full State government, including members of the legislature and five Representatives to Congress, and shall constitute the Osage Indian Reservation a separate county, and provide that it shall remain a separate county until the lands in the Osage Indian Reservation are allotted in severalty and until changed by the legislature of Oklahoma, and designate the county seat thereof, and shall provide rules and regulations and define the manner of conducting the first election for officers in said county. Such State government shall remain in abeyance until the State shall be admitted into the Union and the election for State officers held, as provided for in this Act. The State legislature when organized shall elect two Senators of the United States, in the manner now prescribed by the laws of the United States, and the governor and secretary of said State shall certify the election of the Senators and Representatives in the manner required by law; and said Senators and Representatives shall be entitled

to be admitted to seats in Congress and to all the rights and privileges of Senators and Representatives of other States in the Congress of the United States. And the officers of the State government formed in pursuance of said constitution, as provided by said constitutional convention, shall proceed to exercise all the functions of such State officers; and all laws in force in the Territory of Oklahoma at the time of the admission of said State into the Union shall be in force throughout said State, except as modified or changed by this Act or by the constitution of the State, and the laws of the United States not locally inapplicable shall have the same force and effect within said State as elsewhere within the United States. [34 Stat. L. 277.]

Officers for a full state government, under the terms of this Act, include not only state officers whose powers and duties are coextensive with the limits of the state, but include all the officers provided for in the constitu-

tion, from the highest to the lowest, whose duties are in any manner connected with the administration of the state government. *Frantz v. Autry*, 18 Okla. 561, 91 Pac. 193.

SEC. 22. [*Acceptance of this Act.*] That the constitutional convention provided for herein shall, by ordinance irrevocable, accept the terms and conditions of this Act. [34 Stat. L. 278.]

SECS. 23-41. [*Arizona and New Mexico.*]

These sections provided for elections to determine the admission of the territories of Arizona and New Mexico as the state of Arizona. At the general election of Nov. 6, 1906, a majority of the qualified voters of New Mexico voted in favor of the proposition and

a majority of the qualified voters of Arizona voted against the proposition. According to the provisions of sec. 24 of this Act, therefore, secs. 23 to 41, inclusive, became null and void, and Arizona and New Mexico continue as territories.

STATISTICS.

Agricultural Statistics, see *AGRICULTURE*.
Census Statistics, see *CENSUS*.

STEAM VESSELS.

Act of March 17, 1906, Ch. 955, 647.

Sec. 1. Steamboat Inspection Service — R. S. Section 4400 Amended, 647.

2. Effect, 648.

Act of April 9, 1906, Ch. 1372, 649.

Sec. 1. Steamboat Inspection Service — Inspectors of Hulls and Boilers — R. S. Section 4414 Amended, 649.

2. Effect, 650.

Act of May 16, 1906, Ch. 2460, 650.

Steamboat Inspection Service — Regulations for Motor Boats — R. S. Section 4426 Amended, 650.

Act of May 28, 1906, Ch. 2568, 651.

Transportation of Dangerous Articles on Passenger Steamers Prohibited — R. S. Section 4472 Amended — Gasoline on Ships Not Carrying Passengers, 651.

Act of June 30, 1906, Ch. 3919, 652.

Steam Vessels — Fire Protection — Fire Pump, etc., Required — R. S. Section 4471 Amended — Steam Pump — Hand Pump — Location Requirement Modified, 652.

Act of Feb. 8, 1907, Ch. 892, 652.

Steamboat Inspection Service — Meetings of Board, Assignment of Districts — Regulations — Whistling Restriction Added — Executive Committee Authorized — Amendment, etc., of Regulations — Use of Instruments for Security of Life, 652.

Act of April 2, 1908, Ch. 123, 653.

Sec. 1. Officers and Crew of Passenger Steamers, 653.

2. Effect, 654.

Act of May 28, 1908, Ch. 212, 654.

Sec. 3. Count or List of Passengers, 654.

4. Penalty for Failure to Keep Count or List, 654.

9. Inspectors of Hulls and Boilers, 654.

10. Seagoing Barges — Annual Inspection to Be Made — Certificates, 655.

11. Life-saving Appliances Required on Barges, 655.

12. Requirements before Registry, etc., of Barges, 655.

13. Penalty for Violations, 655.

14. Towing Vessels in Inland Waters — Regulations for Hawsers, etc., to Be Prepared, 655.

15. Towing Regulations — Penalty for Violation by Master, 656.

Act of March 2, 1909, Ch. 244, 656.

Sec. 1. Boiler Plates, 656.

2. Boilers in Use, 657.

3. Repeal, 657.

CROSS-REFERENCE.

See *COLLISIONS*.

An Act To amend section forty-four hundred of the Revised Statutes relating to inspection of steam vessels.

[Act of March 17, 1906, ch. 955, 34 Stat. L. 68.]

[SEC. 1.] [Steamboat inspection service — R. S. sec. 4400 amended.]

That section forty-four hundred of the Revised Statutes be amended so as to read as follows:

"Sec. 4400. All steam vessels navigating any waters of the United States which are common highways of commerce or open to general or competitive navigation, excepting public vessels of the United States, vessels of other countries, and boats propelled in whole or in part by steam for navigating canals, shall be subject to the provisions of this title. And all foreign private steam vessels carrying passengers from any port of the United States to any other place or country shall be subject to the provisions of sections forty-four hundred and seventeen, forty-four hundred and eighteen, forty-four hundred and twenty-one, forty-four hundred and twenty-two, forty-four hundred and twenty-three, forty-four hundred and twenty-four, forty-four hundred and seventy, forty-four hundred and seventy-one, forty-four hundred and seventy-two, forty-four hundred and seventy-three, forty-four hundred and seventy-nine, forty-four hundred and eighty-two, forty-four hundred and eighty-eight, forty-four hundred and eighty-nine, forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-nine, and forty-five hundred of this title, and shall be liable to visitation and inspection by the proper officer, in any of the ports or [of] the United States, respecting any of the provisions of the sections aforesaid: *Provided, however,* That when such foreign passenger steamers belong to countries having inspection laws approximating those of the United States, and have unexpired certificates of inspection issued by the proper authorities in the respective countries to which they belong, they shall be subject to no other inspection than necessary to satisfy the local inspectors that the condition of the vessel, her boilers, and life-saving equipments are as stated in the current certificate of inspection; but no such certificate of inspection shall be accepted as evidence of lawful inspection except when presented by steam vessels of other countries which have by their laws accorded to the steam vessels of the United States visiting such countries the same privilege accorded herein to the steam vessels of such countries visiting the United States; it being further provided that there shall be collected and paid into the Treasury of the United States the same fees for the inspection of foreign passenger steamers carrying passengers from the United States that any foreign nation shall charge the merchant vessels of the United States trading to the ports of such nationality; it being further provided that the Secretary of Commerce and Labor shall have the power to waive at any time the collection of such fees upon due notice of the proper authorities of any country concerned that the collection of fees for the inspection of American steam merchant vessels has been discontinued. It is further provided that the Secretary of Commerce and Labor may, in his discretion, permit any foreign passenger steamer coming within the provisions of this Act whose foreign certificate of inspection shall have expired at sea since last leaving the country to which said vessel belongs, or while said vessel shall have been in a port of the United States, to sail upon her regular route without undergoing any further inspection than would have been required had said foreign certificate of inspection been in force: *Provided, however,* That such discretion shall be exercised only with respect of vessels operated upon regularly established lines, and in cases where such foreign passenger steamers will be regularly inspected by the authorities of her home government before her next return to a port of the United States." [34 Stat. L. 68.]

For R. S. sec. 4400, as it formerly read, see 7 Fed. Stat. Annot. 161.

SEC. 2. [Effect.] That this Act shall take effect from and after its passage and approval. [34 Stat. L. 68.]

An Act To amend section forty-four hundred and fourteen of the Revised Statutes of the United States, inspectors of hulls and boilers of steam vessels.

[Act of April 9, 1906, ch. 1372, 34 Stat. L. 106.]

[SEC. 1.] [*Steamboat inspection service — inspectors of hulls and boilers — R. S. sec. 4414 amended.*] That section forty-four hundred and fourteen of the Revised Statutes of the United States be, and is hereby, amended so as to read as follows:

"Sec. 4414. There shall be in each of the following collection districts, namely, the districts of Philadelphia, Pennsylvania; San Francisco, California; New London, Connecticut; Baltimore, Maryland; Detroit, Michigan; Chicago, Illinois; Bangor, Maine; New Haven, Connecticut; Michigan, Michigan; Milwaukee, Wisconsin; Willamette, Oregon; Puget Sound, Washington; Savannah, Georgia; Pittsburg, Pennsylvania; Oswego, New York; Charleston, South Carolina; Duluth, Minnesota; Superior, Michigan; Apalachicola, Florida; Galveston, Texas; Mobile, Alabama; Providence, Rhode Island, and in each of the following ports: New York, New York; Jacksonville, Florida; Portland, Maine; Boston, Massachusetts; Buffalo, New York; Cleveland, Ohio; Toledo, Ohio; Norfolk, Virginia; Evansville, Indiana; Dubuque, Iowa; Louisville, Kentucky; Albany, New York; Cincinnati, Ohio; Memphis, Tennessee; Nashville, Tennessee; Saint Louis, Missouri; Port Huron, Michigan; New Orleans, Louisiana; Juneau, Alaska; Saint Michael, Alaska; Point Pleasant, West Virginia, and Burlington, Vermont, one inspector of hulls and one inspector of boilers. The inspectors of hulls and the inspectors of boilers in the districts and ports enumerated in the preceding paragraph shall be entitled to the following salaries, to be paid under the direction of the Secretary of Commerce and Labor, namely: For the port of New York, New York, at the rate of two thousand five hundred dollars per year for each local inspector. For the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; San Francisco, California, and Puget Sound, Washington, and the ports of Boston, Massachusetts; Buffalo, New York, and New Orleans, Louisiana, at the rate of two thousand two hundred and fifty dollars per year for each local inspector. For the districts of Michigan, Michigan; Milwaukee, Wisconsin; Duluth, Minnesota; Providence, Rhode Island; Chicago, Illinois, and the ports of Albany, New York; Cleveland, Ohio; Portland, Maine; Juneau, Alaska; Saint Michael, Alaska, and Norfolk, Virginia, at the rate of two thousand dollars per year for each local inspector. For the districts of Oswego, New York; Willamette, Oregon; Detroit, Michigan, and Mobile, Alabama, and the ports of Saint Louis, Missouri, and Port Huron, Michigan, at the rate of one thousand eight hundred dollars per year for each local inspector. For the districts of Pittsburg, Pennsylvania; New Haven, Connecticut; Savannah, Georgia; Charleston, South Carolina; Galveston, Texas; New London, Connecticut; Superior, Michigan; Bangor, Maine, and Apalachicola, Florida, and the ports of Dubuque, Iowa; Toledo, Ohio; Evansville, Indiana; Memphis, Tennessee; Nashville, Tennessee; Point Pleasant, West Virginia; Burlington, Vermont; Jacksonville, Florida; Louisville, Kentucky, and Cincinnati, Ohio, at the rate of one thousand five hundred dollars per year for each local inspector. And in addition the Secretary of Commerce and Labor may appoint, in districts or ports where there are two hundred and twenty-five steamers and upward to be inspected annually, assistant inspectors, at a salary, for the port of New York, of two thousand dollars a year each; for the port of New Orleans, Louisiana; the districts of Philadelphia, Pennsylvania; Baltimore, Maryland; the ports of Boston, Massachusetts; Chicago, Illinois, and the district of San Francisco, California, at one thousand

eight hundred dollars per year each, and for all other districts and ports at a salary not exceeding one thousand six hundred dollars a year each; and he may appoint a clerk to any such board at a compensation not exceeding one thousand six hundred dollars a year to each person so appointed. Every inspector provided for in this or the preceding sections of this title shall be paid his actual and reasonable traveling expenses or mileage, at the rate of five cents a mile, incurred in the performance of his duties, together with his actual and reasonable expenses for transportation of instruments, which shall be certified and sworn to under such instructions as shall be given by the Secretary of Commerce and Labor. Assistant inspectors, appointed as provided by law, shall perform such duties of actual inspection as may be assigned to them under the direction, supervision, and control of the local inspectors. And the Secretary of Commerce and Labor may from time to time detail said assistant inspectors of one port or district for service in any other port or district, as the needs of the Steamboat-Inspection Service may, in his discretion, require, and the actual and reasonable traveling expenses or mileage of assistant inspectors so detailed shall, subject to such limitations as the said Secretary may in his discretion prescribe, be paid in the same manner as provided in this section for inspectors." [34 Stat. L. 106.]

For R. S. sec. 4414, as first amended, see 10 Fed. Stat. Annot. 390. As originally enacted, see 7 Fed. Stat. Annot. 166.

A further amendment of this section is contained in sec. 9 of the Act of May 28, 1908, ch. 212, given *infra*, p. 654.

SEC. 2. [Effect.] That this Act shall take effect and be in force on and after the first day of May, nineteen hundred and six.

An Act To amend section forty-four hundred and twenty-six of the Revised Statutes of the United States; regulation of motor boats.

[Act of May 16, 1908, ch. 2460, 34 Stat. L. 193.]

[Steamboat inspection service — regulations for motor boats — R. S. sec. 4426 amended.] That section forty-four hundred and twenty-six of the Revised Statutes of the United States be, and it is hereby, amended by striking out, after the words "launches of ten," and before the words "and under," the words "tons burden," and inserting in lieu thereof the words "gross tons," and by striking out, after the words "above fifteen," and before the words "carrying freight," the words "tons burden," and inserting in lieu thereof the words "gross tons;" and also that said section be, and it is hereby, further amended by adding at the end thereof the following: "All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life-preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation," so that said section, when amended, shall read as follows:

"**Sec. 4426.** The hull and boilers of every ferryboat, canal boat, yacht, or other small craft of like character propelled by steam, shall be inspected under the provisions of this title. Such other provisions of law for the better security of life as may be applicable to such vessels shall, by the regulations of the board of supervising inspectors, also be required to be complied with before a certificate of inspection shall be granted, and no such vessel shall be navigated without a licensed engineer and a licensed pilot: *Provided, however,* That in open steam launches of ten gross tons and under, one person, if duly qualified, may serve in the double capacity of pilot and engineer. All vessels of above fifteen gross tons carrying freight or passengers for hire, but not engaged in fishing as a regular business, propelled by gas, fluid, naphtha, or electric motors, shall be, and are hereby, made subject to all the provisions of section forty-four hundred and twenty-six of the Revised Statutes of the United States relating to the inspection of hulls and boilers and requiring engineers and pilots, and for any violation of the provisions of this title applicable to such vessels, or of rules or regulations lawfully established thereunder, and to the extent to which such provisions of law and regulations are so applicable, the said vessels, their masters, officers, and owners shall be subject to the provisions of sections forty-four hundred and ninety-six, forty-four hundred and ninety-seven, forty-four hundred and ninety-eight, forty-four hundred and ninety-nine, and forty-five hundred, relating to the imposition and enforcement of penalties and the enforcement of law. All vessels of fifteen gross tons or less propelled in whole or in part by gas, gasoline, petroleum, naphtha, fluid, or electricity, and carrying passengers for hire, shall carry one life-preserver, of the sort prescribed by the regulations of the board of supervising inspectors, for every passenger carried, and no such boat while so carrying passengers shall be operated or navigated except in charge of a person duly licensed for such service by the local board of inspectors. No examination shall be required as a condition of the obtaining of such a license, and any such license shall be revoked or suspended by the local board of inspectors for misconduct, gross negligence, recklessness in navigation, intemperance, or violation of law on the part of the holder, and if revoked, the person holding such license shall be incapable of obtaining another such license for one year from the date of revocation." [34 Stat. L. 193.]

R. S. sec. 4426, above amended, is given in 10 Fed. Stat. Annot. 394.

An Act To amend section forty-four hundred and seventy-two of the Revised Statutes of the United States relating to the carrying of dangerous articles on passenger steamers.

[Act of May 28, 1906, ch. 2565, 34 Stat. L. 204.]

[*Transportation of dangerous articles on passenger steamers prohibited — R. S. sec. 4472 amended — gasoline on ships not carrying passengers.*] That section forty-four hundred and seventy-two of the Revised Statutes be, and the same is hereby, amended by adding thereto the following provision:

Provided, however, That nothing in the provisions of this Title shall prohibit the transportation by vessels not carrying passengers for hire, of gasoline or any of the products of petroleum for use as a source of motive power for the motor boats or launches of such vessels. [34 Stat. L. 204.]

For R. S. sec. 4472, see 10 Fed. Stat. Annot. 396, 7 Fed. Stat. Annot. 187.

An Act To amend section forty-four hundred and seventy-one of the Revised Statutes of the United States, regulation of steam vessels.

[Act of June 30, 1906, ch. 3919, 34 Stat. L. 797.]

[*Steam vessels — fire protection — fire pump, etc., required — R. S. sec. 4471 amended — steam pump — hand pump — location requirement modified.*] That section forty-four hundred and seventy-one of the Revised Statutes of the United States be, and it is hereby, amended by striking out after the words "is afloat," and before the words "Every steamer," the words "and no fire pump thus provided for shall be placed below the lower deck of the vessel," so that said section when amended shall read as follows:

"Sec. 4471. Every steamer permitted by her certificate of inspection to carry as many as fifty passengers, or upward, and every steamer carrying passengers, which also carries cotton, hay, or hemp, shall be provided with a good double-acting steam fire-pump, or other equivalent apparatus for throwing water. Such pump or other apparatus for throwing water shall be kept at all times and at all seasons of the year in good order and ready for immediate use, having at least two pipes of suitable dimensions, one on each side of the vessel, to convey the water to the upper decks, to which pipes there shall be attached, by means of stop cocks or valves, both between decks and on the upper deck, good and suitable hose of sufficient strength to stand a pressure of not less than one hundred pounds to the square inch, long enough to reach to all parts of the vessel and properly provided with nozzels, [*sic*] and kept in good order and ready for immediate service. Every steamer exceeding two hundred tons burden and carrying passengers shall be provided with two good double-acting fire pumps, to be worked by hand; each chamber of such pumps, except pumps upon steamers in service on the twenty-eighth day of February, eighteen hundred and seventy-one, shall be of sufficient capacity to contain not less than one hundred cubic inches of water; and such pumps shall be placed in the most suitable parts of the vessel for efficient service, having suitable well-fitted hose to each pump, of at least one-half the vessel in length, kept at all times in perfect order, and shipped up and ready for immediate use. On every steamer not exceeding two hundred tons, one of such pumps may be dispensed with. Each fire pump thus prescribed shall be supplied with water by means of a suitable pipe connected therewith, and passing through the side of the vessel so low as to be at all times under water when she is afloat. Every steamer shall also be provided with a pump which shall be of sufficient strength and suitably arranged to test the boilers thereof." [34 Stat. L. 797.]

For R. S. sec. 4471, see 7 Fed. Stat. Annot. 187.

An Act To amend an Act entitled "An Act to amend section forty-four hundred and five of the Revised Statutes of the United States," approved March third, nineteen hundred and five.

[Act of Feb. 3, 1907, ch. 392, 34 Stat. L. 881.]

[*Steamboat inspection service — meetings of board, assignment of districts — regulations — whistling restriction added — executive committee authorized — amendment, etc., of regulations — use of instruments for security of life.*] That an Act entitled "An Act to amend section forty-four hundred and five of the Revised Statutes of the United States," approved March third, nineteen hundred and five, be, and the same is hereby, amended by inserting after the word "title" and before the word "and" the words "including regulations

governing the use of whistles as signals by steam vessels and prohibiting useless and unnecessary whistling," so that the same shall read as follows:

"**Sec. 4405.** The supervising inspectors and the Supervising Inspector-General shall assemble as a board once in each year at the city of Washington, District of Columbia, on the third Wednesday in January, and at such other times as the Secretary of Commerce and Labor shall prescribe, for joint consultation, and shall assign to each of the supervising inspectors the limits of territory within which he shall perform his duties. The board shall establish all necessary regulations required to carry out in the most effective manner the provisions of this title and also regulations, prohibiting useless and unnecessary whistling, and such regulations, when approved by the Secretary of Commerce and Labor, shall have the force of law. The supervising inspector for the district embracing the Pacific coast shall not be under obligation to attend the meetings of the board oftener than once in two years; but when he does not attend such meeting he shall make his communications thereto, in the way of a report, in such manner as the board shall prescribe: *Provided*, That the Secretary of Commerce and Labor may at any time call in session, after reasonable public notice, a meeting of an executive committee, to be composed of the Supervising Inspector-General and any two supervising inspectors, which committee, with the approval of the said Secretary, shall have power to alter, amend, add to, or repeal any of the rules and regulations made, with the approval of the Secretary of Commerce and Labor, by the board of supervising inspectors, either by virtue of this section or under any power granted by this title, or any amendments thereof, such alteration, amendment, addition, or repeal, when approved by the said Secretary, to have the force of law and to continue in effect until thirty days after the adjournment of the next meeting of the board of supervising inspectors. The foregoing powers of such executive committee, acting with the said Secretary, shall also extend to the approval of the instruments, machines, and equipments referred to in section forty-four hundred and ninety-one of this title." [34 Stat. L. 881.]

For R. S. sec. 4405, see 10 Fed. Stat. Annot. 390, 7 Fed. Stat. Annot. 164.

An Act To amend section forty-four hundred and sixty-three of the Revised Statutes, relating to the complement of crews of vessels, and for the better protection of life.

[Act of April 2, 1908, ch. 123, 35 Stat. L. 55.]

[**SEC. 1.**] [*Officers and crew of passenger steamers.*] That section forty-four hundred and sixty-three of the Revised Statutes of the United States be amended so as to read:

"**Sec. 4463.** Any vessel of the United States subject to the provisions of this title or to the inspection laws of the United States shall not be navigated unless she shall have in her service and on board such complement of licensed officers and crew as may, in the judgment of the local inspectors who inspect the vessel, be necessary for her safe navigation. The local inspectors shall make in the certificate of inspection of the vessel an entry of such complement of officers and crew, which may be changed from time to time by indorsement on such certificate by local inspectors by reason of change of conditions or employment. Such entry or indorsement shall be subject to a right of appeal, under regulations to be made by the Secretary of Commerce and Labor, to the supervising inspector and from him to the supervising inspector-general, who

shall have the power to revise, set aside, or affirm the said determination of the local inspectors.

"If any such vessel is deprived of the services of any member of the crew without the consent, fault, or collusion of the master, owner, or any person interested in the vessel, the vessel may proceed on her voyage, if in the judgment of the master she is sufficiently manned for such voyage.

"If the master shall fail to explain in writing such deficiency in the crew to the local inspectors within twelve hours of the time of the arrival of the vessel at her destination, he shall be liable to a penalty of fifty dollars. If the vessel shall have been insufficiently manned in the judgment of the local inspectors, the master shall be liable to a penalty of one hundred dollars, or in case of an insufficient number of licensed officers to a penalty of five hundred dollars." [35 Stat. L. 55.]

SEC. 2. [Effect.] That this Act shall take effect on July first, nineteen hundred and eight. [35 Stat. L. 55.]

R. S. sec. 4463, as it read prior to this amendment, is given in 7 Fed. Stat. Annot. 181.

[Act of May 28, 1908, ch. 212.]

SEC. 3. [Count or list of passengers.] That section forty-four hundred and sixty-seven of the Revised Statutes is hereby amended to read as follows:

"Sec. 4467. The master of every passenger steamer shall keep a correct count of all the passengers received and delivered from day to day, which count shall be open to the inspection of the inspectors and officers of the customs at all times, and the aggregate number of passengers shall be furnished to inspectors as often as called for: *Provided, however,* That a correct list of passengers received and delivered from day to day shall be kept, instead of a correct count, by the masters of seagoing passenger steamers in the coastwise trade and by the masters of passenger steamers on the Great Lakes on routes exceeding three hundred miles: *Provided further,* That nothing herein shall affect existing laws relative to vessels running between this country and foreign ports." [35 Stat. L. 425.]

For R. S. sec. 4467, see 7 Fed. Stat. Annot. 185.

The above sec. 3, and secs. 4, 9-15, following, are from the Act of May 28, 1908, ch.

212. For the other sections of this Act see the title SHIPPING AND NAVIGATION, *ante*, p. 626.

SEC. 4. [Penalty for failure to keep count or list.] That section forty-four hundred and sixty-eight of the Revised Statutes is hereby amended to read as follows:

"Sec. 4468. Every master of any passenger steamer who fails, through negligence or design, to keep a count or list of passengers as required by the preceding section shall be liable to a penalty of one hundred dollars." [35 Stat. L. 425.]

For R. S. sec. 4468, see 7 Fed. Stat. Annot. 196.

See note under sec. 3, above.

SEC. 9. [Inspectors of hulls and boilers.] That section forty-four hundred and fourteen of the Revised Statutes of the United States be amended by inserting in the first paragraph thereof, after the words "and Burlington, Vermont,"

and before the words "one inspector of hulls," the words "Honolulu, Hawaii, and San Juan, Porto Rico;" and that the said section be further amended by inserting in the fifth paragraph thereof, after the words "and Norfolk, Virginia," and before the words "at the rate of two thousand dollars," the words "Honolulu, Hawaii, and San Juan, Porto Rico." [35 Stat. L. 428.]

See note under sec. 3, *supra*.

For R. S. sec. 4414, see *supra*, p. 649.

SEC. 10. [*Seagoing barges — annual inspection to be made — certificates.*] That on and after January first, nineteen hundred and nine, the local inspectors of steamboats shall at least once in every year inspect the hull and equipment of every seagoing barge of one hundred gross tons or over, and shall satisfy themselves that such barge is of a structure suitable for the service in which she is to be employed, has suitable accommodations for the crew, and is in a condition to warrant the belief that she may be used in navigation with safety to life. They shall then issue a certificate of inspection in the manner and for the purposes prescribed in sections forty-four hundred and twenty-one and forty-four hundred and twenty-three of the Revised Statutes. [35 Stat. L. 428.]

See note under sec. 3, *supra*.

For R. S. secs. 4421 and 4423, see 7 Fed. Stat. Annot. 172, 173.

SEC. 11. [*Life-saving appliances required on barges.*] That every such barge shall be equipped with the following appliances of kinds approved by the Board of Supervising Inspectors: At least one lifeboat, at least one anchor with suitable chain or cable, and at least one life-preserver for each person on board. [35 Stat. L. 428.]

See note under sec. 3, *supra*.

SEC. 12. [*Requirements before registry, etc., of barges.*] That a register, enrollment, or license shall not be issued or renewed by any collector or other officer of customs to any such barge unless at the time of issue or renewal such barge has in force the certificates of inspection prescribed by section ten and on board the equipment prescribed by section eleven. [35 Stat. L. 428.]

See note under sec. 3, *supra*.

SEC. 13. [*Penalty for violations.*] That if any such barge shall be navigated without such certificate of inspection, or without any part of the equipment prescribed by section eleven, the owner shall be liable to a penalty of five hundred dollars for each offense. [35 Stat. L. 428.]

See note under sec. 3, *supra*.

SEC. 14. [*Towing vessels in inland waters — regulations for hawsers, etc., to be prepared.*] That the chairman of the Light-House Board, the Supervising Inspector-General of the Steamboat-Inspection Service, and the Commissioner of Navigation shall convene as a board at such times as the Secretary of Commerce and Labor shall prescribe to prepare regulations limiting the length of hawsers between towing vessels and seagoing barges in tow and the length of such tows within any of the inland waters of the United States designated and defined from time to time pursuant to section two of the Act approved February nineteenth, eighteen hundred and ninety-five, and such regulations when approved by the Secretary of Commerce and Labor shall have the force of law. [35 Stat. L. 428.]

See note under sec. 3, *supra*.

SEC. 15. [*Towing regulations — penalty for violation by master.*] That the master of the towing vessel shall be liable to the suspension or revocation of his license for any willful violation of regulations issued pursuant to section fourteen in the manner now prescribed for incompetency, misconduct, or unskillfulness. [35 Stat. L. 429.]

See note under sec. 3, *supra*.

An Act To amend section forty-four hundred and thirty-four of the Revised Statutes of the United States, and for other purposes.

[Act of March 2, 1900, ch. 244, 35 Stat. L. 686.]

[SEC. 1.] [*Boiler plates.*] That section forty-four hundred and thirty-four, Revised Statutes of the United States, as amended by the Act of Congress approved February twenty-eighth, eighteen hundred and ninety-five, be amended by inserting a hyphen and the word "eight" after the word "thirty" in the second line of the section, and by inserting after the word "diameter" in the ninth line of the section a comma and the words "the measurements to be taken from the center of the length of the tapered section of said flues," and by striking out, in the fifteenth and sixteenth lines of the section, the words "Secretary of the Treasury" and inserting in lieu thereof the words "Supervising Inspector-General," and by inserting after the word "thirty," in the twentieth line of the section, a hyphen and the word "eight," and after the word "the," in the twenty-third line of the section, the word "approved," so that the section as amended shall read as follows:

"Sec. 4434. No externally fired boiler having its shell constructed of iron or steel plates, exceeding an average thickness of thirty-eight one-hundredths of an inch, shall be employed on any steam vessel navigating the Red River of the North or rivers flowing into the Gulf of Mexico or their tributaries; and no externally fired boiler employed on any such steam vessel shall have less than three inches space between its shell and any of its internal flues, and not less than three inches space between such flues when any such flues are more than five inches in diameter, the measurements to be taken from the center of the length of the tapered section of said flues; and every such externally fired boiler employed on any such steam vessel shall be provided with a manhole in the lower part of the front head thereof, of such dimensions as may be prescribed by the Board of Supervising Inspectors, in all cases where the distance between its internal flues is less than three inches. Externally fired boilers having shells constructed of iron or steel plates not exceeding an average thickness of fifty one-hundredths of an inch may, in the discretion of the Supervising Inspector-General, be authorized and employed on steam vessels navigating the Atlantic and Pacific oceans, or salt-water bays, or sounds, or the Great Lakes, or any of them, and waters flowing to and from the same, or any of them: *Provided*, That on inspection, no plate that is by this Act limited to a thickness of thirty-eight one-hundredths of an inch and no plate that is by this Act limited to a thickness of fifty one-hundredths of an inch shall be rejected for use if found to exceed those dimensions, respectively, if the approved average thickness thereof does not exceed the limits therein specified, and the amount of steam pressure that will be permitted to be carried in boilers constructed in accordance with the requirements of this Act shall be determined from measurements showing the least thickness of the plates. [35 Stat. L. 686.]

For R. S. sec. 4434, as it read prior to this amendment, see 7 Fed. Stat. Annot. 177.

SEC. 2. [*Boilers in use.*] That all externally fired boilers, constructed of iron or steel, prior to the passage of this Act, and now in use on any such vessels, wherein the space between the shell and any of its internal flues or between such flues is less than three inches, they shall be deemed lawfully constructed. [35 Stat. L. 687.]

SEC. 3. [*Repeal.*] That all laws or parts of laws conflicting with this Act are hereby repealed. [35 Stat. L. 687.]

STEERAGE PASSENGERS.

See *CARRIERS*.

SURFMEN.

See *LIFE SAVING*.

SURVEYS.

See *GEOLOGICAL SURVEY; MINERAL LANDS, MINES, AND MINING; PUBLIC LANDS*.

TARIFF LAWS.

Customs Duties, see that title

For the Tariff Act of Aug. 5, 1909, see the Appendix to this volume.

TEA.

Importation of Impure Tea, see *FOOD AND DRUGS*.

TELEGRAPH, TELEPHONE, CABLE, AND ELECTRIC LINES.

Act of March 2, 1907, Ch. 2511.

Sec. 1. Telegraph Lines in Alaska — Estimates Required.

[SEC. 1.] [*Telegraph lines in Alaska — estimates required.*] * * *
That hereafter detailed estimates shall be submitted to Congress for any further extension of the cable or telegraph lines in the district of Alaska. [*34 Stat. L. 1159.*]

This is from the Army Appropriation Act of March 2, 1907, ch. 2511.

TERRITORIAL COURTS.

Act of June 25, 1906, Ch. 3541, 659.

Arizona — Supreme Court — Composition — Quorum — If Two or More Disqualified, 659.

Act of March 3, 1909, Ch. 269, 659.

Sec. 11. New Mexico — Supreme Court Increased to Seven Justices, 659.

12. Appointment of Additional Justice, 660.

13. Seven Districts Established — Residence Required, 660.

14. Division and Assignments, 660.

15. Two Terms Annually, 660.

16. Pending Causes, 660.

CROSS-REFERENCE.

Jurors for District Courts in Oklahoma, see JURORS.

An Act To amend section one of the Act approved March third, nineteen hundred and five, providing for an additional associate justice of the supreme court of Arizona, and for other purposes.

[*Act of June 25, 1906, ch. 3541, 34 Stat. L. 466.*]

[*Arizona — Supreme Court — composition — quorum — if two or more disqualified.*] That the Act providing for an additional associate justice of the supreme court of Arizona, and for other purposes, approved March third, nineteen hundred and five, be so amended that the first section thereof shall read as follows:

“That hereafter the supreme court of the Territory of Arizona shall consist of a chief justice and four associate justices, any three of whom shall constitute a quorum, but three justices must concur in order to reverse a judgment or other determination of a district court, except that in any case where two or more of the five justices shall be disqualified from sitting, the justices qualified shall constitute a quorum, and a majority thereof may affirm or reverse such case, but should a case be tried before only two justices their disagreement would be an affirmation of the case.” [34 Stat. L. 466.]

For sec. 1 of the Act of March 3, 1905, here amended, see 10 Fed. Stat. Annot. 400.

SEC. 11. [*New Mexico — supreme court increased to seven justices.*] That hereafter the supreme court of the Territory of New Mexico shall consist of a chief justice and six associate justices, any four of whom shall constitute a quorum: *Provided*, That the judge who presided at the trial of a cause in the court below shall not sit at the hearing of the same case on appeal or writ of error in the supreme court of the Territory. [35 Stat. L. 842.]

This and the following secs. 12-16 are from the Act of March 3, 1909, ch. 269, entitled “An Act to amend section eighty-six of the Act to provide a government for the Territory of Hawaii, to provide for additional judges and for other judicial purposes.”

Section 23 of the Act provides that the Act shall take effect July 1, 1909, and repeals conflicting provisions.

For earlier provisions as to the territorial courts of New Mexico see 7 Fed. Stat. Annot. 222.

SEC. 12. [*Appointment of additional justice.*] That it shall be the duty of the President to appoint one additional associate justice of said supreme court in manner now provided by law, who shall hold his office for the term of four years and until his successor is appointed and qualified. [35 Stat. L. 842.]

SEC. 13. [*Seven districts established — residence required.*] That the said Territory shall be divided into seven judicial districts, and a district court shall be held in each district by one of the justices of the supreme court at such time and place as is or may be prescribed by law. Each judge, after assignment, shall reside in the district to which he is assigned. [35 Stat. L. 842.]

SEC. 14. [*Division and assignments.*] That the chief justice and his associates are hereby vested with power and authority, and they are hereby directed, to divide said Territory into seven judicial districts and make such assignments of the judges provided for in section twelve of this Act as shall in their judgment be meet and proper: *Provided*, That one of said judges shall reside and hold a district court in the city of Roswell. [35 Stat. L. 842.]

SEC. 15. [*Two terms annually.*] That two terms of said court shall be held annually within each of said districts at such places within said district as may be designated by the chief justice and his associates, or a majority of them. [35 Stat. L. 842.]

SEC. 16. [*Pending causes.*] That all offenses committed before the passage of this Act shall be prosecuted, tried, and determined in the same manner and with the same effect, except as to the number of judges, as if this Act had not passed. [35 Stat. L. 842.]

TERRITORIES.

Offenses in, see PENAL LAWS.

TIMBER DEPREDATIONS.

See PENAL LAWS.

TIMBER LANDS AND FOREST RESERVES.

Act of June 11, 1906, Ch. 3074, 662.

- Sec. 1. Forest Reserves — Agricultural Lands within, to Be Opened to Settlement — Filing of Lists, etc. — Opening to Entry — Limit of Acreage, etc. — Lists to Be Posted — Advertisement — Preference Rights — Filing Plats, etc., of Entries — Time Limit — Notice — Survey — Credit for Actual Residence Allowed, 662.*
- 2. Additional Homestead Right of Entry Granted — Price, 662.*
- 3. Black Hills Forest Reserve — Entries in, Subject to Mining Laws, etc. — Limitation of Title — Riparian Rights Reserved, 663.*
- 4. Entries in Lawrence and Pennington Counties, S. Dak., Prohibited — Exceptions, 663.*
- 5. Restrictions — Prior Claims, etc., Not Affected, 663.*

Act of June 30, 1906, Ch. 3913, 663.

- Sec. 1. Forest-reserve Fund — Estimates to Be Submitted — Payment from Fund for Schools and Roads — Proportion between States, etc. — Maximum, 663.*
- Utilizing Reserves — Sales of Timber — Black Hills Reserve — Reserves in California — Deposits — Refund — Co-operative Contributions — Use of Agents, etc. — Sales of Photographs, etc. — Rent — Leaves of Absence, 664.*

Act of March 4, 1907, Ch. 2907, 665.

- Sec. 1. Leaves of Absence to Employees, 665.*
- Administration, etc., Expenses — Reports of Receipts and Expenditures Required — All Receipts to Be Covered into Treasury — Permanent Appropriation for Refunds to Depositors — Payment for Schools and Roads — Proportion between States — Maximum — Congressional Action Necessary for New Reserves, etc., in Certain States, 665.*

Act of March 13, 1908, Ch. 84, 666.

- Crow Creek National Forest, Wyo. — Exchange of Lands for Military Maneuvering Grounds, 666.*

Act of May 23, 1908, Ch. 192, 666.

- Officials of Forest Service to Aid in Other Matters, 666.*
- Advances for Emergencies, 666.*
- Money Received from Forests — Payment for Schools and Roads Increased, 666.*

Act of May 23, 1908, Ch. 193, 667.

- Sec. 1. Minnesota — National Forest Established in, 667.*
- 2. Sale of Timber, 669.*
- 3. Indian Allotments, etc., 670.*
- 4. Land Opened to Settlement, 670.*
- 5. Prior Sales — Amount to Be Credited to Chippewas, 671.*
- 6. Compensation of Commissioners, 671.*
- 7. Indian Graves, 671.*
- 8. United States Not Bound to Purchase, etc., 671.*

Act of Feb. 18, 1909, Ch. 143, 671.

- Calaveras Bigtree National Forest, Cal., 671.*

CROSS-REFERENCES.

Wild Animals in Grand Canon Reserve, see GAME ANIMALS AND BIRDS.

Public Lands, see PUBLIC LANDS.

An Act To provide for the entry of Agricultural lands within forest reserves.

[Act of June 11, 1906, ch. 3074, 34 Stat. L. 233.]

[SEC. 1.] *[Forest reserves — agricultural lands within, to be opened to settlement — filing of lists, etc. — opening to entry — limit of acreage, etc. — lists to be posted — advertisement — preference rights — filing plats, etc., of entries — time limit — notice — survey — credit for actual residence allowed.]* That the Secretary of Agriculture may, in his discretion, and he is hereby authorized, upon application or otherwise, to examine and ascertain as to the location and extent of lands within permanent or temporary forest reserves, which are chiefly valuable for agriculture, and which, in his opinion, may be occupied for agricultural purposes without injury to the forest reserves, and which are not needed for public purposes, and may list and describe the same by metes and bounds, or otherwise, and file the lists and descriptions with the Secretary of the Interior, with the request that the said lands be opened to entry in accordance with the provisions of the homestead laws and this Act. Upon the filing of any such list or description the Secretary of the Interior shall declare the said lands open to homestead settlement and entry in tracts not exceeding one hundred and sixty acres in area and not exceeding one mile in length, at the expiration of sixty days from the filing of the list in the land office of the district within which the lands are located, during which period the said list or description shall be prominently posted in the land office and advertised for a period of not less than four weeks in one newspaper of general circulation published in the county in which the lands are situated: *Provided*, That any settler actually occupying and in good faith claiming such lands for agricultural purposes prior to January first, nineteen hundred and six, and who shall not have abandoned the same, and the person, if qualified to make a homestead entry, upon whose application the land proposed to be entered was examined and listed, shall, each in the order named, have a preference right of settlement and entry: *Provided further*, That any entryman desiring to obtain patent to any lands described by metes and bounds entered by him under the provisions of this Act shall, within five years of the date of making settlement, file, with the required proof of residence and cultivation, a plat and field notes of the lands entered, made by or under the direction of the United States surveyor-general, showing accurately the boundaries of such lands, which shall be distinctly marked by monuments on the ground, and by posting a copy of such plat, together with a notice of the time and place of offering proof, in a conspicuous place on the land embraced in such plat during the period prescribed by law for the publication of his notice of intention to offer proof, and that a copy of such plat and field notes shall also be kept posted in the office of the register of the land office for the land district in which such lands are situated for a like period; and further, that any agricultural lands within forest reserves may, at the discretion of the Secretary, be surveyed by metes and bounds, and that no lands entered under the provisions of this Act shall be patented under the commutation provisions of the homestead laws, but settlers, upon final proof, shall have credit for the period of their actual residence upon the lands covered by their entries. [34 Stat. L. 233.]

This section is here given as amended by the Act of May 30, 1908, ch. 233, 35 Stat. L. 554. The amendment struck out in the first

sentence certain counties in California originally excepted.

SEC. 2. *[Additional homestead right of entry granted — price.]* That settlers upon lands chiefly valuable for agriculture within forest reserves on

January first, nineteen hundred and six, who have already exercised or lost their homestead privilege, but are otherwise competent to enter lands under the homestead laws, are hereby granted an additional homestead right of entry for the purposes of this Act only, and such settlers must otherwise comply with the provisions of the homestead law, and in addition thereto must pay two dollars and fifty cents per acre for lands entered under the provisions of this section, such payment to be made at the time of making final proof on such lands. [34 Stat. L. 234.]

SEC. 3. [*Black Hills Forest Reserve — entries in, subject to mining laws, etc. — limitation of title — riparian rights reserved.*] That all entries under this Act in the Black Hills Forest Reserve shall be subject to the quartz or lode mining laws of the United States, and the laws and regulations permitting the location, appropriation, and use of the waters within the said forest reserves for mining, irrigation, and other purposes; and no titles acquired to agricultural lands in said Black Hills Forest Reserve under this Act shall vest in the patentee any riparian rights to any stream or streams of flowing water within said reserve; and that such limitation of title shall be expressed in the patents for the lands covered by such entries. [34 Stat. L. 234.]

SEC. 4. [*Entries in Lawrence and Pennington counties, S. Dak., prohibited — exceptions.*] That no homestead settlements or entries shall be allowed in that portion of the Black Hills Forest Reserve in Lawrence and Pennington counties in South Dakota except to persons occupying lands therein prior to January first, nineteen hundred and six, and the provisions of this Act shall apply to the said counties in said reserve only so far as is necessary to give and perfect title of such settlers or occupants to lands chiefly valuable for agriculture therein occupied or claimed by them prior to the said date, and all homestead entries under this Act in said counties in said reserve shall be described by metes and bounds survey. [34 Stat. L. 234.]

SEC. 5. [*Restrictions — prior claims, etc., not affected.*] That nothing herein contained shall be held to authorize any future settlement on any lands within forest reserves until such lands have been opened to settlement as provided in this Act, or to in any way impair the legal rights of any bona fide homestead settler who has or shall establish residence upon public lands prior to their inclusion within a forest reserve. [34 Stat. L. 234.]

[SEC. 1.] [*Forest-reserve fund — estimates to be submitted — payment from fund for schools and roads — proportion between states, etc. — maximum.*] * * * That the forest-reserve special fund provided for in section five of the Act approved February first, nineteen hundred and five, entitled "An Act providing for the transfer of forest reserves from the Department of the Interior to the Department of Agriculture," shall continue until otherwise provided by law; but after June thirtieth, nineteen hundred and eight, it shall not be expended except in accordance with specific estimates of expenditures to be made from said fund for the succeeding fiscal year, to be submitted by the Secretary of Agriculture with the estimates of appropriation in the annual Book of Estimates. That ten per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and six, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is situated, to be

of the county or counties in which the forest reserve is situated: *Provided further*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than forty per centum of the total income of such county from all other sources: *Provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress. [34 Stat. L. 1270.]

An Act Authorizing the exchange of lands for the enlargement of maneuvering grounds.

[Act of March 13, 1908, ch. 34, 35 Stat. L. 42.]

[*Crow Creek National Forest, Wyo.—exchange of lands for military maneuvering grounds.*] That whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the Crow Creek National Forest, he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry within the State of Wyoming. [35 Stat. L. 42.]

[*Officials of forest service to aid in other matters.*] * * * and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to National Forests, shall aid the other Federal Bureaus and Departments on request from them, in the performance of the duties imposed on them by law. [35 Stat. L. 259.]

This and the two paragraphs following are from the Agricultural Department Appropriation Act of May 23, 1908, ch. 192.

[*Advances for emergencies.*] * * * and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department. [35 Stat. L. 259.]

[*Money received from forests—payment for schools and roads increased.*] * * * That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is

situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein. [35 Stat. L. 260.]

An Act Amending the Act of January fourteenth, eighteen hundred and eighty-nine, and Acts amendatory thereof, and for other purposes.

[Act of May 23, 1908, ch. 193, 35 Stat. L. 268.]

[SEC. 1.] [*Minnesota — national forest established in.*] That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section thirty-one in township one hundred and forty-eight north, range twenty-eight west, fifth principal meridian, intersects the low water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six in township one hundred and forty-eight north, ranges twenty-eight and twenty-seven west, continuing easterly along the north line of section thirty-one in township one hundred and forty-eight north, range twenty-six west, to a point where said line intersects the low water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low water mark to a point where it crosses the section line between sections sixteen and seventeen in township one hundred and forty-seven north, range twenty-six west; thence southerly along the section line on the east side of sections seventeen, twenty, twenty-nine, and thirty-two in township one hundred and forty-seven north, range twenty-six west, and continuing southerly along the east side of sections five, eight, seventeen, twenty, twenty-nine, and thirty-two, township one hundred and forty-six north, range twenty-six west, continuing southerly along the east line of sections five, eight, seventeen, twenty, and twenty-nine, township one hundred and forty-five north, range twenty-six west to a point at the low water mark on the right bank of the Mississippi River on the section line between sections twenty-eight and twenty-nine in said township; thence southeasterly along the right bank of the Mississippi River at low water mark to its confluence with Leech Lake River in section twelve in township one hundred and forty-four north, range twenty-six west; thence southwesterly along the right bank of Leech Lake River along the low water mark to Mud Lake; thence along the line of low water mark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section thirty-two, township one hundred and forty-four north, range twenty-six west; thence up said river along the low water mark on the right bank thereof to a point in fractional section twenty-nine where the line intersects the low water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low water mark to the point at low water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections five and eight, township one hundred and forty-three north, range twenty-nine west; thence in a southwesterly direction following the contours of said lake at low water mark to the point on said lake at the southwestern extremity of Ottetail Point; thence southwesterly in a direct line to the southern extremity of section twenty-five in township one

of the county or counties in which the forest reserve is situated: *Provided further*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein: *And provided further*, That there shall not be paid to any State or Territory for any county an amount equal to more than forty per centum of the total income of such county from all other sources: *Provided further*, That hereafter no forest reserve shall be created, nor shall any additions be made to one heretofore created within the limits of the States of Oregon, Washington, Idaho, Montana, Colorado, or Wyoming, except by Act of Congress. [34 Stat. L. 1270.]

An Act Authorizing the exchange of lands for the enlargement of maneuvering grounds.

[Act of March 13, 1908, ch. 84, 35 Stat. L. 42.]

[Crow Creek National Forest, Wyo. — exchange of lands for military maneuvering grounds.] That whenever the Secretary of War shall deem the acquisition of lands in private ownership necessary for the enlargement of the military maneuvering grounds for the United States Army and National Guard within the reservation known as the Crow Creek National Forest, he may certify to the Secretary of the Interior the description of such specific tract or tracts of land as he may deem necessary for such purpose, and the Secretary of the Interior may thereupon, with the approval of the President, exchange therefor an equal area of any of the unoccupied, nonmineral, untimbered public land subject to entry within the State of Wyoming. [35 Stat. L. 42.]

[Officials of forest service to aid in other matters.] * * * and hereafter officials of the Forest Service designated by the Secretary of Agriculture shall, in all ways that are practicable, aid in the enforcement of the laws of the States or Territories with regard to stock, for the prevention and extinguishment of forest fires, and for the protection of fish and game, and with respect to National Forests, shall aid the other Federal Bureaus and Departments on request from them, in the performance of the duties imposed on them by law. [35 Stat. L. 259.]

This and the two paragraphs following are from the Agricultural Department Appropriation Act of May 23, 1908, ch. 192.

[Advances for emergencies.] * * * and hereafter advances of money under any appropriation for the Forest Service may be made to the Forest Service and by authority of the Secretary of Agriculture to chiefs of field parties for fighting forest fires in emergency cases, who shall give bond under such rules and regulations and in such sum as the Secretary of Agriculture may direct, and detailed accounts arising under such advances shall be rendered through and by the Department of Agriculture to the Treasury Department. [35 Stat. L. 259.]

[Money received from forests — payment for schools and roads increased.] * * * That hereafter twenty-five per centum of all money received from each forest reserve during any fiscal year, including the year ending June thirtieth, nineteen hundred and eight, shall be paid at the end thereof by the Secretary of the Treasury to the State or Territory in which said reserve is

situated, to be expended as the State or Territorial legislature may prescribe for the benefit of the public schools and public roads of the county or counties in which the forest reserve is situated: *Provided*, That when any forest reserve is in more than one State or Territory or county the distributive share to each from the proceeds of said reserve shall be proportional to its area therein. [35 Stat. L. 260.]

An Act Amending the Act of January fourteenth, eighteen hundred and eighty-nine, and Acts amendatory thereof, and for other purposes.

[Act of May 23, 1908, ch. 193, 35 Stat. L. 263.]

[SEC. 1.] [*Minnesota — national forest established in.*] That there is hereby created in the State of Minnesota a national forest consisting of lands and territory described as follows, to wit:

Beginning at a point where the north line of section thirty-one in township one hundred and forty-eight north, range twenty-eight west, fifth principal meridian, intersects the low water mark of the lake formed by the waters of Third River; thence easterly along the north line of sections thirty-one, thirty-two, thirty-three, thirty-four, thirty-five, and thirty-six in township one hundred and forty-eight north, ranges twenty-eight and twenty-seven west, continuing easterly along the north line of section thirty-one in township one hundred and forty-eight north, range twenty-six west, to a point where said line intersects the low water mark of Bow String Lake on the west shore; thence southerly along the west side of said lake at low water mark to a point where it crosses the section line between sections sixteen and seventeen in township one hundred and forty-seven north, range twenty-six west; thence southerly along the section line on the east side of sections seventeen, twenty, twenty-nine, and thirty-two in township one hundred and forty-seven north, range twenty-six west, and continuing southerly along the east side of sections five, eight, seventeen, twenty, twenty-nine, and thirty-two, township one hundred and forty-six north, range twenty-six west, continuing southerly along the east line of sections five, eight, seventeen, twenty, and twenty-nine, township one hundred and forty-five north, range twenty-six west to a point at the low water mark on the right bank of the Mississippi River on the section line between sections twenty-eight and twenty-nine in said township; thence southeasterly along the right bank of the Mississippi River at low water mark to its confluence with Leech Lake River in section twelve in township one hundred and forty-four north, range twenty-six west; thence southwesterly along the right bank of Leech Lake River along the low water mark to Mud Lake; thence along the line of low water mark of Mud Lake on its northern and western shores to the point where Leech Lake River empties into the same on fractional section thirty-two, township one hundred and forty-four north, range twenty-six west; thence up said river along the low water mark on the right bank thereof to a point in fractional section twenty-nine where the line intersects the low water mark of Leech Lake; thence in a northwesterly and southwesterly direction following the contours of said lake at low water mark to the point at low water mark on the shore of said lake on the northeast boundary of the ceded Leech Lake Indian Reservation on section line between sections five and eight, township one hundred and forty-three north, range twenty-nine west; thence in a southwesterly direction following the contours of said lake at low water mark to the point on said lake at the southwestern extremity of Ottertail Point; thence southwesterly in a direct line to the southern extremity of section twenty-five in township one

hundred and forty-three north, range thirty-one west; thence in a westerly direction along the contour of said lake to the southwestern extremity of section twenty-six in said township; thence in a northerly and westerly direction along the contour of said lake at low water mark to a point where the center line through section two, running in a north and south direction in township one hundred and forty-three north, range thirty-one west intersects the low water mark of Leech Lake; thence northerly through the middle of said section two to the shore of a small lake at low water mark; thence along the east shore of said lake at low water line to a point where the section line between sections thirty-five and thirty-six, township one hundred and forty-four north, range thirty-one west, intersects low water mark of said lake on north shore; thence northerly on section line between sections thirty-five, thirty-six, twenty-five, and twenty-six to the low water mark at the shore of a small lake; thence northerly along the east side of said lake to a point where the section line between sections twenty-five and twenty-six intersects the low water mark of said lake in said township; thence northerly along the east line of sections twenty-six, twenty-three, and fourteen to a point on the east line of section fourteen, twenty chains north of the southeast corner of section fourteen; thence west twenty chains; thence north twenty chains; thence west twenty chains; thence northerly along the east side of a small lake to a point where the center line running in a north and south direction through section fourteen intersects the north side of said lake at low water mark; thence northerly along the center line of said section through section eleven to the quarter corner between sections two and eleven of said township; thence westerly to a point twenty chains west of the northwest corner of section eleven; thence north forty chains; thence west twenty chains; thence north to a point where the center line running in a north and south direction in section three intersects the township line between townships one hundred and forty-four and one hundred and forty-five north, range thirty-one west; thence westerly to the quarter quarter corner on the township line in the southeast quarter of section thirty-four in township one hundred and forty-five north, range thirty-one west; thence north twenty chains; thence west forty chains; thence north twenty chains; thence west twenty chains to the quarter corner between sections thirty-three and thirty-four in said township and range; thence northerly along the east line of sections thirty-three, twenty-eight, twenty-one and sixteen in said township to a point where it intersects the right-of-way of the Great Northern Railway as at present located; thence easterly along said right-of-way to a point where it intersects the shore of Cass Lake at low water mark in section fifteen, township one hundred and forty-five north, range thirty-one west; thence northerly along the west shore of Cass Lake and the south, west and north shore of Allen's Bay and the northwest shore of Cass Lake to a point along the contour of said lake at low water mark at the head of the Mississippi River, approximately in section twenty-one, township one hundred and forty-six north, range thirty west; thence easterly along the right bank of said river to a point where the range line between ranges twenty-nine and thirty west intersects said river; thence northerly along the range line to the northwest corner of section nineteen in township one hundred and forty-seven north, range twenty-nine west; thence easterly along the north line of sections nineteen, twenty, twenty-one, twenty-two, twenty-three and twenty-four in said township and along the north side of sections nineteen and twenty in township one hundred and forty-seven north, range twenty-eight west to a point where said line intersects the left bank of Third River at low water mark; thence northerly along the right bank of Third River to the contour line at low water mark of the lake formed by the waters of Third River; thence

southeasterly and northerly along the contour line of said lake to the point of beginning; and it is the intent of this Act to include in said national forest and make a part thereof all that certain territory and land which has heretofore been selected by the Forester of the Department of Agriculture as the ten sections situated in townships one hundred and forty-four, one hundred and forty-five, and one hundred and forty-six north, ranges thirty and thirty-one west of the fifth principal meridian in Minnesota and designated as being the ten sections referred to and authorized to be selected by section two of the Act approved June twenty-seventh, nineteen hundred and two, being chapter eleven hundred and fifty-seven, United States Statutes at Large, volume thirty-two, entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota'", approved January fourteenth, eighteen hundred and eighty-nine; and also all the islands in Cass Lake in the State of Minnesota.

And in addition to the lands and territory above described, the lands described by section two of said Act of June twenty-seventh, nineteen hundred and two, as follows: "One hundred and sixty acres at the extremity of Sugar Point, on Leech Lake, and the peninsula known as Pine Point, on which the new Leech Lake Agency is now located" shall be included in and are hereby made a part of said national forest: *Provided*, That this Act shall not in any manner abridge the right of citizens to the use of the west and northwesterly shores of Cass Lake. [35 Stat. L. 268.]

SEC. 2. [*Sale of timber.*] The Secretary of the Interior is hereby authorized to proceed with the sale of the merchantable pine timber upon the above-described land outside of ten sections and said islands and points, in conformity with the provisions of said Act above entitled, and reserving ten per centum of such timber from sale, said ten per centum to be designated by the Forester of the United States Department of Agriculture; and as to the timber upon said ten sections and said islands and points, the said Forester is authorized, under such rules and regulations as he may prescribe from time to time to sell and dispose of so much of the standing timber thereon as he may deem wise and advisable in the conduct of a National Forest: *Provided*, That a commission of three persons shall at once be appointed, consisting of one person to be designated by the President, one by the Secretary of the Interior, and one by a general council of the Indians of the Winnibigoshish, Cass Lake, Chippewas of the Mississippi Reservation, and Leech Lake Reservation to be held under the direction of the agent at Leech Lake Indian Agency; and said commissioners shall proceed forthwith to appraise the value of the five per centum of timber heretofore reserved from sale by the provisions of said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum hereafter reserved under the provisions of this Act, and the timber upon said ten sections and upon the unappropriated lands on said islands and points, and shall ascertain the acreage of actual land included under the provisions of this Act and to the estimated value of said five per centum of timber reserved under the said Act entitled "An Act to amend an Act entitled 'An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota,'" approved January fourteenth, eighteen hundred and eighty-nine, and the ten per centum reserved under this Act and the estimated value of timber upon said ten sections and upon the unappropriated lands on said islands and points, to the sum of the values of the timber so estimated shall add an amount equal to one dollar and twenty-

five cents for each and every acre of land not otherwise appropriated which they find covered by the provisions of this Act, and shall certify the same to the Secretary of the Interior. The Indians designated in this section, acting through a representative who shall serve without compensation, to be named by them at the time of their appointment of the commissioner herein, shall have sixty days in which to appeal to the President of the United States from the findings of said commissioners, as certified to the Secretary of the Interior. At the end of said sixty days, if no appeal has been taken or if an appeal has been taken, then, upon the determination thereof by the President, the Secretary of the Interior shall certify the amount found by said commissioners, or if modified by the President the amount determined by him, to the Secretary of the Treasury, who shall thereupon place such amount to the credit of all the Chippewa Indians in the State of Minnesota as a part of the permanent fund of said "All of the Chippewa Indians in the State of Minnesota" provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine, and the Acts supplementary thereto, and the amounts so certified to the Secretary of the Treasury shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts. [35 Stat. L. 270.]

SEC. 3. [*Indian allotments, etc.*] That any Indian having an allotment within the limits of the National Forest created by this Act is hereby authorized to relinquish such allotment and permitted to take another allotment in lieu thereof outside such National Forest, under the direction of the Secretary of the Interior; and the allotments of any deceased Indians located within the boundaries of said National Forest shall not hereafter be disposed of under section seven of the Act of June twenty-seventh, nineteen hundred and two (volume thirty-second Statutes at Large, page two hundred and forty-five); but the heirs of said deceased Indians shall have the right, with the consent of the Secretary of the Interior and under such rules as he may prescribe, to relinquish to the United States the lands covered by such allotments and to select surveyed, unappropriated, unreserved land within the limits of any of the ceded Indian lands in the State of Minnesota and outside of the National Forest hereby created, in lieu of the land covered by such allotments; and the lands so relinquished by the Indians or their heirs shall thereupon become part of the said National Forest. And the Secretary of the Interior is hereby authorized on request of the Forester of the Department of Agriculture to purchase such relinquishments from said Indians or their heirs and to pay for the same from any moneys received, after the appraisal of timber herein provided for, on account of the sale of timber from the National Forest hereby created, or from the sale of any other products or the use of any lands or resources thereof. [35 Stat. L. 271.]

SEC. 4. [*Land opened to settlement.*] That all land in any of said reservations, the Winnibigoshish Indian Reservation, Cass Lake Indian Reservation, Chippewas of the Mississippi Reservation, or Leech Lake Indian Reservation not included in the National Forest hereby created as above described, heretofore classified or designated as agricultural lands, is hereby declared to be open to homestead settlement; and any of said land which has been classified as timber land shall be open to homestead settlement as soon and as fast as the timber is removed therefrom, in conformity with the homestead law, except that none of said lands shall be disposed of except on payment of one dollar and twenty-five cents per acre. [35 Stat. L. 272.]

SEC. 5. [*Prior sales — amount to be credited to Chippewas.*] That all moneys received from the sale of timber from any of the lands set aside by this Act for a National Forest, prior to the appraisal herein provided for, including all moneys received for timber under sales made by the Secretary of the Interior as authorized by existing laws and section two of this Act, shall be placed to the credit of the Chippewa Indians in the State of Minnesota, as provided for in an Act of Congress entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," approved January fourteenth, eighteen hundred and eighty-nine; and the Acts supplementary thereto, and shall draw interest at the rate of five per centum per annum, pursuant to the terms of said Acts; and after said appraisal the National Forest hereby created, as above described, shall be subject to all general laws and regulations from time to time governing national forests, so far as said laws and regulations may be applicable thereto. [35 Stat. L. 272.]

SEC. 6. [*Compensation of commissioners.*] That the commissioners provided for herein shall receive a compensation of ten dollars per day each for each and every day actually spent upon the work herein provided for, which shall be paid out of any money in the Treasury of the United States not otherwise appropriated, and no commissioner shall be paid for more than ten days' service. [35 Stat. L. 272.]

SEC. 7. [*Indian graves.*] None of the Indian graves now upon any of the islands or points referred to in this Act shall be disturbed and the Indians shall continue to have the right to bury their dead at such places as they have heretofore used for that purpose, under the rules and regulations to be prescribed by the Forest Service. [35 Stat. L. 272.]

SEC. 8. [*United States not bound to purchase, etc.*] That nothing in this Act contained shall in any manner bind the United States to purchase any of the land in said reservations excluded from the reserve created by this Act, or to dispose of said land, except as provided by the Act of January fourteenth, eighteen hundred and eighty-nine, entitled "An Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," and an Act of June twenty-seventh, nineteen hundred and two, entitled "An Act to amend an Act for the relief and civilization of the Chippewa Indians in the State of Minnesota," or the provisions of this Act; or to guarantee to find purchasers for said lands or any portion thereof, it being the intention of this Act that the United States shall act as trustee for said Indians to dispose of the said lands and the timber thereon, and to dispose of the proceeds thereof, as provided in said Acts, only when received from the sale of the timber and the lands, as therein provided. [35 Stat. L. 268.]

An Act To create the Calaveras Bigtree National Forest, and for other purposes.

[Act of Feb. 18, 1909, ch. 143, 35 Stat. L. 626.]

[*Calaveras Bigtree National Forest, Cal.*] That the Secretary of Agriculture, to secure and protect for all time the big trees scientifically known as *Sequoia washingtoniana*, is hereby empowered, in his discretion, to obtain for the United States the complete title to any or all of the following-described lands in the State of California: In township four north, range fifteen east, Mount Diablo meridian, the northeast quarter of section one; in township four

north, range sixteen east, Mount Diablo meridian, the north half of section six; in township five north, range fifteen east, Mount Diablo meridian, the southwest quarter of section fourteen, south half of section fifteen, north half of section twenty-two, northwest quarter of section twenty-three, and southeast quarter of section thirty-six, and in township five north, range sixteen east, Mount Diablo meridian, the west half of section twenty-eight, the east half and southwest quarter of section twenty-nine, the southeast quarter of section thirty, all of sections thirty-one, thirty-two, and the northwest quarter of section thirty-three. And such area or areas, as fast as complete title is acquired, shall be permanently held by the United States and shall be known as the Calaveras Bigtree National Forest and shall be administered, and protected, by the Secretary of Agriculture from the funds appropriated for the administration of National Forest land to prolong the existence, growth, and promote the reproduction of said big trees: *Provided*, That the owners of land acquired hereunder shall convey to the United States full title to any of the above-described areas approved for said national forest by the Secretary of Agriculture, the completeness of such title to be determined by the Secretary of the Interior in each case, and shall be reimbursed therefor only in any or all of three ways: They may be given the right to file with the Secretary of the Interior, within sixty days after any such conveyance, selections for an equal area of surveyed, unreserved, unappropriated, nonmineral public lands which, if found subject to such lieu selection, and of a value substantially equal to that of the amounts conveyed, may be patented to said owners in lieu of the land conveyed, and if any selection is rejected other selections may be made under conditions applicable to the one rejected; or the Secretary of Agriculture may grant to any such conveying owner the right to cut from national forest land an amount of timber and wood, substantially equal to the amount of timber and wood on the land acquired by the United States under the provisions of this Act: *Provided*, That nothing contained in this Act shall warrant an appropriation from the Treasury to carry out the terms of this Act. [35 Stat. L. 626.]

TONNAGE.

See *YACHTS*.

TOWING.

See *STEAM VESSELS*.

TOWN SITES.

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TRADEMARKS.

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Act of March 2, 1907, Ch. 2573, 674.

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Act of Feb. 18, 1909, Ch. 144, 675.

Sec. 1. Application Requirements, 675.

An Act To amend the laws of the United States relating to the registration of trade-marks.

[Act of May 4, 1906, ch. 2081, 34 Stat. L. 168.]

[**SEC. 1.**] [*Application requirements—R. S. sec. 4937 amended—description requirements limited.*] That section one of the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February twentieth, nineteen hundred and five, be, and is hereby, amended by inserting after the words "description of the trade-mark itself," the words "only when needed to express colors not shown in the drawing," so that the section, as amended, shall read as follows: "That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States or resides in or is located in any foreign country which, by treaty, convention, or law affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a description of the trade-mark itself, only when needed to express colors not shown in the drawing, and a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of ten dollars, and otherwise complying with the requirements of this Act and such regulations as may be prescribed by the Commissioner of Patents." [34 Stat. L. 168.]

For sec. 1 of the Act of Feb. 20, 1905, above amended, see 10 Fed. Stat. Annot. 408.

This section is again amended by the Act of Feb. 18, 1909, ch. 144, given *infra*, p. 676.

SEC. 2. [*Classes of merchandise to be established, etc.*] That the Commissioner of Patents shall establish classes of merchandise for the purpose of trade-mark registration, and shall determine the particular descriptions of goods comprised in each class. On a single application for registration of a trade-mark the trade-mark may be registered at the option of the applicant for any or all goods upon which the mark has actually been used comprised in a single class of merchandise, provided the particular descriptions of goods be stated. [34 Stat. L. 169.]

SEC. 3. [*Rights of trade-marks used on products of American factories.*] That any owner of a trade-mark who shall have a manufacturing establishment within the territory of the United States shall be accorded, so far as the registration and protection of trade-marks used on the products of such establishment are concerned, the same rights and privileges that are accorded to owners of trade-marks domiciled within the territory of the United States by the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February twentieth, nineteen hundred and five. [34 Stat. L. 169.]

SEC. 4. [*Effect.*] That this Act shall take effect July first, nineteen hundred and six. [34 Stat. L. 169.]

An Act To amend sections five and six of an Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same."

[Act of March 3, 1907, ch. 2573, 34 Stat. L. 1251.]

[SEC. 1.] [*Marks permitted registry — exceptions — emblems of fraternal societies added — similarity of trade-marks — marks with only names of individuals, firms, etc. — marks with portraits, etc. — marks in use ten years permitted.*] That section five of the Act entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the several States or with Indian tribes, and to protect the same," approved February twentieth, nineteen hundred and five, be, and is hereby, amended to read as follows:

"SEC. 5. That no mark by which the goods of the owner of the mark may be distinguished from other goods of the same class shall be refused registration as a trade-mark on account of the nature of such mark unless such mark —

"(a) Consists of or comprises immoral or scandalous matter.

"(b) Consists of or comprises the flag or coat of arms or other insignia of the United States, or any simulation thereof, or of any State, or municipality, or of any foreign nation, or of any design or picture that has been or may hereafter be adopted by any fraternal society as its emblem: *Provided*, That trade-marks which are identical with a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, or which so nearly resemble a registered or known trade-mark owned and in use by another, and appropriated to merchandise of the same descriptive properties, as to be likely to cause confusion or mistake in the mind of the public, or to deceive purchasers, shall not be registered: *Provided*, That no mark which consists merely in the name of an individual, firm, corporation, or association, not written, printed, impressed, or woven in some particular or distinctive manner or in association with a portrait of the individual or merely

in words or devices which are descriptive of the goods with which they are used, or of the character or quality of such goods, or merely a geographical name or term, shall be registered under the terms of this Act: *Provided further*, That no portrait of a living individual may be registered as a trade-mark, except by the consent of such individual, evidenced by an instrument in writing: *And provided further*, That nothing herein shall prevent the registration of any mark used by the applicant or his predecessors, or by those from whom title to the mark is derived, in commerce with foreign nations or among the several States, or with Indian tribes, which was in actual and exclusive use as a trade-mark of the applicant or his predecessors from whom he derived title for ten years next preceding the passage of this Act." [34 Stat. L. 1251.]

For sec. 5 of the Act of Feb. 20, 1905, here amended, see 10 Fed. Stat. Annot. 410.

SEC. 2. [*Examination and publication — R. S. sec. 4940 — opposition notice may be filed by attorney — notice of refusal.*] That section six of said Act be, and the same is hereby, amended to read as follows:

"SEC. 6. That on the filing of an application for registration of a trade-mark which complies with the requirements of this Act, and the payment of the fees herein provided for, the Commissioner of Patents shall cause an examination thereof to be made; and if on such examination it shall appear that the applicant is entitled to have his trade-mark registered under the provisions of this Act, the Commissioner shall cause the mark to be published at least once in the Official Gazette of the Patent Office. Any person who believes he would be damaged by the registration of a mark may oppose the same by filing notice of opposition, stating the grounds therefor, in the Patent Office, within thirty days after the publication of the mark sought to be registered, which said notice of opposition shall be verified by the person filing the same before one of the officers mentioned in section two of this Act. An opposition may be filed by a duly authorized attorney, but said opposition shall be null and void unless verified by the opposer within a reasonable time after such filing. If no notice of opposition is filed within said time, the Commissioner shall issue a certificate of registration therefor, as hereinafter provided for. If on examination an application is refused, the Commissioner shall notify the applicant, giving him his reasons therefor." [34 Stat. L. 1252.]

For sec. 6 of the Act of Feb. 20, 1905, here amended, see 10 Fed. Stat. Annot. 410.

An Act To amend the laws of the United States relating to the registration of trade-marks.

[Act of Feb. 18, 1909, ch. 144, 35 Stat. L. 627.]

[SEC. 1.] [*Application requirements.*] That Section two of the Act of February twentieth, nineteen hundred and five, and Section one of the Act of May fourth, nineteen hundred and six, be, and the same are hereby, amended so that the sections shall, respectively, read as follows:

"SEC. 2. That the application prescribed in the foregoing section, in order to create any right whatever in favor of the party filing it, must be accompanied by a written declaration verified by the applicant, or by a member of the firm or an officer of the corporation or association applying, to the effect that the applicant believes himself or the firm, corporation, or association in whose behalf he makes the application to be the owner of the trade-mark sought to be registered, and that no other person, firm, corporation, or association, to the best of the applicant's knowledge and belief, has the right to use such trade-

mark in the United States, either in the identical form or in such near resemblance thereto as might be calculated to deceive; that such trade-mark is used in commerce among the several States, or with foreign nations, or with Indian tribes, and that the description and drawing presented truly represent the trade-mark sought to be registered. If the applicant resides or is located in a foreign country, the statement required shall, in addition to the foregoing, set forth that the trade-mark has been registered by the applicant, or that an application for the registration thereof has been filed by him in the foreign country in which he resides or is located, and shall give the date of such registration, or the application therefor, as the case may be, except that in the application in such cases it shall not be necessary to state that the mark has been used in commerce with the United States or among the States thereof. The verification required by this section may be made before any person within the United States authorized by law to administer oaths, or, when the applicant resides in a foreign country, before any minister, chargé d'affaires, consul, or commercial agent holding commission under the Government of the United States, or before any notary public, judge, or magistrate having an official seal and authorized to administer oaths in the foreign country in which the applicant may be whose authority shall be proved by a certificate of a diplomatic or consular officer of the United States."

For the Act of Feb. 20, 1905, sec. 2 of which is hereby amended, see 10 Fed. Stat. Annot. 408.

"SEC. 1. That the owner of a trade-mark used in commerce with foreign nations, or among the several States, or with Indian tribes, provided such owner shall be domiciled within the territory of the United States, or resides in or is located in any foreign country which, by treaty, convention, or law, affords similar privileges to the citizens of the United States, may obtain registration for such trade-mark by complying with the following requirements: First, by filing in the Patent Office an application therefor, in writing, addressed to the Commissioner of Patents, signed by the applicant, specifying his name, domicile, location, and citizenship; the class of merchandise and the particular description of goods comprised in such class to which the trade-mark is appropriated; a statement of the mode in which the same is applied and affixed to goods, and the length of time during which the trade-mark has been used; a description of the trade-mark itself shall be included, if desired by the applicant or required by the Commissioner, provided such description is of a character to meet the approval of the Commissioner. With this statement shall be filed a drawing of the trade-mark, signed by the applicant, or his attorney, and such number of specimens of the trade-mark as actually used as may be required by the Commissioner of Patents. Second, by paying into the Treasury of the United States the sum of ten dollars, and otherwise complying with the requirements of this Act and such regulations as may be prescribed by the Commissioner of Patents." [35 Stat. L. 627.]

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Medals of Honor, see MEDALS.

Medals to Volunteers in War with Spain and in Philippines, see MEDALS.

Wharves, Piers, and Other Structures in Porto Rico, see PORTO RICO.

Porto Rico Regiment, see PORTO RICO.

Militia, see that title.

AN ACT Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and seven.

[Act of June 12, 1906, ch. 3078, 34 Stat. L. 240.]

[Sec. 1.] [*Extra pay to riflemen, etc.*] * * * That hereafter enlisted men qualifying as expert riflemen shall receive in addition to their pay three dollars per month; those qualifying as sharpshooters, two dollars per month, and those qualifying as marksmen, one dollar per month; under such regulation as the Secretary of War may prescribe. [34 Stat. L. 241.]

[*Line officers — assignments allowed.*] * * * That all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations as the Secretary of War may prescribe. [34 Stat. L. 241.]

For the same provision in the Army Appropriation Act of March 2, 1907, see *infra*, p. 691.

[*Deduction from retired enlisted men for Soldiers' Home, repealed.*] That so much of section forty-eight hundred and nineteen, Revised Statutes, as requires that twelve and one-half cents per month be deducted from the pay of retired enlisted men of the Army and passed to the credit of the Commissioners of the Soldiers' Home in the District of Columbia, be, and the same is hereby, repealed. [34 Stat. L. 242.]

[*Detachments at recruiting stations and prisons — pay, etc.*] * * * That hereafter the Secretary of War shall be authorized to detach from the Army at large such number of enlisted men as may be necessary to perform duty at the various recruit depots and the United States military prison, and of the enlisted men so detached, and while performing such duty, there shall be allowed for each depot and the prison one who shall have the rank, pay, and allowances of battalion or squadron sergeant-major, and for each recruit and prison company one who shall have the rank, pay, and allowances of first sergeant, five the rank, pay, and allowances of sergeant, and six the rank, pay, and allowances of corporal, of the arm of the service to which they respectively belong. [34 Stat. L. 242.]

[*Assignment of clerks, etc. — duty in War Department forbidden.*] * * * And said clerks [at headquarters of divisions, and departments and office of the Chief of Staff], messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, or office of the Chief of Staff, shall be assigned to duty with any bureau in the War Department. [34 Stat. L. 243.]

See repetition of this provision in the Army Appropriation Act of March 2, 1907, ch. 2511, 34 Stat. L. 1161.

[*Retired officers — pay of colonels and lieutenant-colonels on active duty — service of generals before retirement.*] * * * That a colonel or lieutenant-colonel heretofore or hereafter assigned to active duty shall hereafter receive the same pay and allowances as a retired major would receive under a like assignment: *Provided further*, That hereafter no officer holding a rank above that of colonel shall be retired except for disability or on account of having reached the age of sixty-four years until he shall have served at least one year in such rank. [34 Stat. L. 245.]

[*Deposit of savings of enlisted men — R. S. sec. 1305 amended — deposits made a separate fund — repayment — not liable for debts — government liability — clothing balances payable from pay fund — R. S. sec. 1308 amended.*] * * * That sections thirteen hundred and five and thirteen hundred and eight of the Revised Statutes of the United States are hereby amended, to take effect July first, nineteen hundred and six, and to read as follows:

"Sec. 1305. Any enlisted man of the Army may deposit his savings, in sums not less than five dollars, with any army paymaster, who shall furnish him a deposit book, in which shall be entered the name of the paymaster and of the soldier, and the amount, date, and place of such deposit. The amount so deposited shall be accounted for in the same manner as other public funds, and shall be deposited in the Treasury of the United States and kept as a separate fund, known as pay of the Army deposit fund, repayment of which to the enlisted man on discharge from the service shall be made out of the fund created by said deposits, and shall not be subject to forfeiture by sentence of court-martial, but shall be forfeited by desertion, and shall not be permitted to be paid until final payment on discharge, or to the heirs or representatives of a deceased soldier, and that such deposits be exempt from liability for such soldier's debts: *Provided*, That the Government shall be liable for the amount deposited to the person so depositing the same.

"Sec. 1308. Clothing balances accumulating to the soldier's credit under section thirteen hundred and two shall, when payable to him upon his discharge, be paid out of the appropriation for pay of the Army for the then current fiscal year." [34 Stat. L. 246.]

For R. S. secs. 1305 and 1308, see 7 Fed. Stat. Annot. 1064, 1065.

[*Mileage to officers, etc. — allowance; computations — determination of travel and duty — deductions for transportation orders, etc. — on land-grant, etc., roads — deductions — allowance if on leave when station changed — sea-travel expenses — determining allowances.*] * * * That hereafter officers, active and retired, when traveling under competent orders without troops, and retired officers who have so traveled since March third, nineteen hundred and five, shall be paid seven cents per mile and no more; distances to be computed and mileage to be paid over the shortest usually traveled routes, with deduction as hereinafter provided; and payment and settlement of mileage accounts of officers shall be made according to distances and deductions computed over routes established and by mileage tables prepared by the Paymaster-General of the Army under the direction of the Secretary of War. The Secretary of War may determine what shall constitute travel and duty without troops within the meaning of the laws governing the payment of mileage and commutation of quarters to officers of the Army: *Provided further*, That officers who so desire may, upon application to the Quartermaster's Department, be furnished under their orders transportation requests for the entire journey by land, exclusive of sleeping and parlor car accommodations, or by water; and the transportation so furnished shall, if travel was performed under a mileage status, be a charge against the officer's mileage account, to be deducted at the rate of three cents per mile by the paymaster paying the account, and of the amount so deducted there shall be turned over to an authorized officer of the Quartermaster's Department three cents per mile for transportation furnished, except over any railroad which is a free or fifty per centum land-grant railroad, for the credit of the appropriation for the transportation of the Army

and its supplies: *And provided further*, That when the established route of travel shall, in whole or in part, be over the line of any railroad on which the troops and supplies of the United States are entitled to be transported free of charge, or over any fifty per centum land-grant railroad, officers traveling as herein provided for shall, for the travel over such roads, be furnished with transportation requests, exclusive of sleeping and parlor car accommodations, by the Quartermaster's Department: *And provided further*, That when transportation is furnished by the Quartermaster's Department, or when the established route of travel is over any of the railroads above specified, there shall be deducted from the officer's mileage account by the paymaster paying the same three cents per mile for the distance for which transportation has been or should have been furnished: *And provided further*, That when the station of an officer is changed while he is on leave of absence he will on joining the new station be entitled to mileage for the distance to the new station from the place where he received the order directing the change, provided the distance be no greater than from the old to the new station; but if the distance be greater he will be entitled to mileage for a distance equal to that from the old to the new station only: *And provided further*, That for all sea travel actual expenses only shall be paid to officers, contract surgeons, contract dental surgeons, and veterinarians, to paymasters' clerks, and to the expert accountant of the Inspector-General's Department, when traveling on duty under competent orders, with or without troops, and the amount so paid shall not include any shore expenses at port of embarkation or debarkation; but for the purpose of determining allowances for all travel under orders, or for officers and enlisted men on discharge, travel in the Philippine Archipelago, the Hawaiian Archipelago, the home waters of the United States, and between the United States and Alaska shall not be regarded as sea travel and shall be paid for at the rates established by law for land travel within the boundaries of the United States. [34 Stat. L. 246.]

[*Philippine Scouts — enlisted men — credit for service as officers.*] * * * That all enlisted men of the Regular Army who have been appointed commissioned officers of Philippine Scouts subsequent to March second, nineteen hundred and three, or who may hereafter be so appointed, and who, upon their muster out, have returned or may return to the ranks of the Regular Army, shall have such period of service counted as if it had been rendered as enlisted men, and that they be entitled to all continuous service pay and to count, in computing the time necessary to enable them to retire, as enlisted men. [34 Stat. L. 248.]

[*Computation of annual salaries of all persons in military service — division into twelve equal installments — fractions of months, etc. — absence.*] Hereafter, where the compensation of any person in the military service of the United States is annual or monthly the following rules for division of time and computation of pay for services rendered are hereby established: Annual compensation shall be divided into twelve equal installments, one of which shall be the pay for each calendar month; and in making payments for a fractional part of a month one-thirtieth of one of such installments, or of a monthly compensation, shall be the daily rate of pay. For the purpose of computing such compensation and for computing time for services rendered during a fractional part of a month in connection with annual or monthly compensation, each and every month shall be held to consist of thirty days, without regard to the actual number of days in any calendar month, thus excluding the thirty-first of any calendar month from the computation and treating February as if it

actually had thirty days. Any person entering the service of the United States during a thirty-one day month and serving until the end thereof shall be entitled to pay for that month from the date of entry to the thirtieth day of said month, both days inclusive; and any person entering said service during the month of February and serving until the end thereof shall be entitled to one month's pay, less as many thirtieths thereof as there were days elapsed prior to date of entry: *Provided*, That for one day's unauthorized absence on the thirty-first day of any calendar month one day's pay shall be forfeited. [34 Stat. L. 248.]

[*Militia — payment for period of service on muster.*] * * * That hereafter when any portion of the organized militia of any State, Territory, or the District of Columbia participates in the encampment, maneuvers, and field instruction of any part of the Regular Army, under the provisions of section fifteen of the Act of January twenty-first, nineteen hundred and three, they may, after being duly mustered by an officer of the Regular Army, be paid at any time after such muster for the period from the date of leaving the home rendezvous to date of return thereto as determined in advance, both dates inclusive, and such payment, if otherwise correct, shall pass to the credit of the paymaster making the same. [34 Stat. L. 249.]

For sec. 15 of Act of Jan. 21, 1903, see 16 Fed. Stat. Annot. 230.

[*Fuel to officers — printing — ice machines, laundries, and electric plants — disposal of surplus products, etc. — use of proceeds.*] * * * That hereafter fuel may be furnished to commissioned officers on the active list by the Quartermaster's Department, for the actual use of such officers only, at the rate of three dollars per cord for standard oak wood, or at an equivalent rate for other kinds of fuel, the amount so furnished to each to be limited to the officer's actual personal necessities as certified to by him: *Provided further*, That no part of the appropriations for the Quartermaster's Department shall be expended on printing unless the same shall be done by contract after due notice and competition, except in such cases as the emergency will not admit of the giving notice of competition, and in cases where it is impracticable to have the necessary printing done by contract the same may be done, with the approval of the Secretary of War, by the hire of the necessary labor for the purpose. For the fiscal year ending June thirtieth, nineteen hundred and seven, whenever the ice machines, steam laundries, and electric plants shall not come in competition with private enterprise for sale to the public, and in the opinion of the Secretary of War it becomes necessary to the economical use and administration of such ice machines, steam laundries, and electric plants as have been or may hereafter be established in pursuance of law, surplus ice may be disposed of, laundry work may be done for other branches of the Government, and surplus electric light and power may be sold on such terms and in accordance with such regulations as may be prescribed by the Secretary of War: *Provided*, That the funds received from such sales and in payment for such laundry work shall be used to defray the cost of operation of said ice, laundry, and electric plants; and the sales and expenditures herein provided for shall be accounted for in accordance with the methods prescribed by law, and any sums remaining, after such cost of maintenance and operation have been defrayed, shall be deposited in the Treasury to the credit of the appropriation from which the cost of operation of such plant is paid. [34 Stat. L. 250.]

[*Fort Bayard hospital, N. Mex. — admission of patients — use of proceeds from sales of hospital supplies.*] * * * That all persons admitted to treatment in the general hospital at Fort Bayard, New Mexico, shall, while patients

in said hospital, be subject to the rules and articles for the government of the armies of the United States; *Provided further*, That hereafter all moneys arising from dispositions of serviceable medical and hospital supplies authorized by law and regulation shall constitute one fund on the books of the Treasury Department, which shall be available to replace medical and hospital supplies throughout the fiscal year in which the dispositions were effected and throughout the following fiscal year. [34 Stat. L. 255.]

[*Corps of Engineers — chaplain authorized.*] * * * That in addition to the number of chaplains now authorized by law there shall hereafter be one for the Corps of Engineers. [34 Stat. L. 256.]

[*Funds from stores transferred to Philippines.*] * * * Hereafter all funds received as the value of military stores transferred by the several staff departments of the Army to the Insular Department of the Philippines, or work done, shall be deposited in the Treasury of the United States and remain available during the fiscal year in which the transaction occurred and the following year for the procurement of like military stores to replace those so transferred. [34 Stat. L. 258.]

[*Purchases by Ordnance Department for other departments or bureaus.*] * * * Whenever the Ordnance Department, under existing regulations, procures stores for other Executive Departments or bureaus, including the Philippine government, its appropriations shall be applicable to defray the necessary expenses in connection with the procurement, subject to reimbursement from time to time, or on completion of the work, from the department or bureau for which the stores were procured. [34 Stat. L. 258.]

[*Purchases in open market for army supplies — limit.*] * * * Hereafter the purchase of supplies and the procurement of services for all branches of the Army service may be made in open market, in the manner common among business men, when the aggregate of the amount required does not exceed five hundred dollars; but every such purchase exceeding one hundred dollars shall be promptly reported to the Secretary of War for approval, under such regulations as he may prescribe. [34 Stat. L. 258.]

An Act To increase the efficiency of the Ordnance Department of the United States Army.

[Act of June 25, 1906, ch. 3526, 34 Stat. L. 455.]

[SEC. 1.] [*Ordnance Department — officers increased.*] That the Ordnance Department shall consist of one chief of ordnance with the rank of brigadier-general; six colonels, nine lieutenant-colonels, nineteen majors, twenty-five captains, twenty-five first lieutenants, and the enlisted men, including ordnance-sergeants, as now authorized by law. [34 Stat. L. 455.]

SEC. 2, [*Details — competitive examination — service in line before another detail.*] That details to the Ordnance Department under the provisions of the Act of February second, nineteen hundred and one, may be made from the Army at large from the grade in which the vacancy exists, or from the grade below: *Provided*, That no officer shall be so detailed except upon the recommendation of a board of ordnance officers, and after at least one examination, which shall be open to competition; *And provided further*, That officers

so detailed in grades below that of major shall not be again eligible for such detail until after they shall have served for at least one year out of that department. [34 Stat. L. 455.]

For Act of Feb. 2, 1901, sec. 23, relating to composition of Ordnance Department, see 7 Fed. Stat. Annot. 979.

An Act To increase the efficiency of the Bureau of Insular Affairs of the War Department.

[Act of June 25, 1906, ch. 3528, 34 Stat. L. 456.]

[*Chief of Bureau of Insular Affairs to serve four years — rank, etc.*] That the Chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President for the period of four years, unless sooner relieved, with the advice and consent of the Senate, and while holding that office he shall have the rank, pay, and allowances of a brigadier-general. [34 Stat. L. 456.]

[*Contracts for fortification works, etc. — duty of Secretary of War.*] * * * It shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for fortifications and other works of defense, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract. [34 Stat. L. 463.]

This and the following text are from the Fortifications Appropriation Act of June 25, 1906, ch. 3540.

[*Board of Ordnance — right to use invention.*] * * * That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said Board [of Ordnance and Fortification], the Board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government. [34 Stat. L. 465.]

[*Amounts due deceased officers and enlisted men — distribution to heirs — funeral expenses.*] * * * Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support

of his family, in which case to the mother alone; fourth, if either the father or mother be dead then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this Act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. [34 Stat. L. 750.]

This is from the Sundry Civil Expenses Appropriation Act of June 30, 1906, ch. 3914.

An Act Authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes.

[Act of June 30, 1906, ch. 3938, 34 Stat. L. 817.]

[*Loan of ordnance to state schools, etc. — bond — restriction.*] That the Secretary of War is hereby authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordnance and ordnance stores as may be available to State and Territorial educational institutions and to State soldiers and sailors orphans' homes, for purposes of drill and instruction. And the Secretary of War shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safe-keeping thereof and for the return of the same to the United States when required: *Provided*, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of existing law. [34 Stat. L. 817.]

An Act To reorganize and to increase the efficiency of the artillery of the United States Army.

[Act of Jan. 25, 1907, ch. 397, 34 Stat. L. 861.]

[SEC. 1.] [*Artillery reorganization — coast and field artillery organization — chief of artillery to be chief of coast artillery after July 1, 1908, etc.*] That the artillery of the United States Army shall consist of the Chief of Artillery, the coast artillery, and the field artillery. The coast artillery and the field artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: *Provided*, That on and after July first, nineteen hundred and eight, the Chief of Artillery shall cease to exercise supervision over the field artillery and shall thereafter be designated as the Chief of Coast Artillery. [34 Stat. L. 861.]

SEC. 2. [*To be additional member of general staff corps — vacancies; how filled — rank, etc., upon retirement — additional number in grade — limit.*] That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War. When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the coast artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when retired, be

so detailed in grades below that of major shall not be again eligible for such detail until after they shall have served for at least one year out of that department. [34 Stat. L. 455.]

For Act of Feb. 2, 1901, sec. 23, relating to composition of Ordnance Department, see 7 Fed. Stat. Annot. 979.

An Act To increase the efficiency of the Bureau of Insular Affairs of the War Department.

[Act of June 25, 1906, ch. 3525, 34 Stat. L. 456.]

[*Chief of Bureau of Insular Affairs to serve four years — rank, etc.*] That the Chief of the Bureau of Insular Affairs of the War Department shall hereafter be appointed by the President for the period of four years, unless sooner relieved, with the advice and consent of the Senate, and while holding that office he shall have the rank, pay, and allowances of a brigadier-general. [34 Stat. L. 456.]

[*Contracts for fortification works, etc. — duty of Secretary of War.*] * * * It shall be the duty of the Secretary of War to apply the money herein and hereafter appropriated for fortifications and other works of defense, in carrying on the various works, by contract or otherwise, as may be most economical and advantageous to the Government. Where said works are done by contract, such contract shall be made after sufficient public advertisement for proposals, in such manner and form as the Secretary of War shall prescribe; and such contracts shall be made with the lowest responsible bidders, accompanied by such securities as the Secretary of War shall require, conditioned for the faithful prosecution and completion of the work according to such contract. [34 Stat. L. 463.]

This and the following text are from the Fortifications Appropriation Act of June 25, 1906, ch. 3540.

[*Board of Ordnance — right to use invention.*] * * * That before any money shall be expended in the construction or test of any gun, gun carriage, ammunition, or implements under the supervision of the said Board [of Ordnance and Fortification], the Board shall be satisfied, after due inquiry, that the Government of the United States has a lawful right to use the inventions involved in the construction of such gun, gun carriage, ammunition, or implements, or that the construction or test is made at the request of a person either having such lawful right or authorized to convey the same to the Government. [34 Stat. L. 465.]

[*Amounts due deceased officers and enlisted men — distribution to heirs — funeral expenses.*] * * * Hereafter, in the settlement of the accounts of deceased officers or enlisted men of the Army, where the amount due the decedent's estate is less than five hundred dollars and no demand is presented by a duly appointed legal representative of the estate, the accounting officers may allow the amount found due to the decedent's widow or legal heirs in the following order of precedence: First, to the widow; second, if decedent left no widow, or the widow be dead at time of settlement, then to the children or their issue, per stirpes; third, if no widow or descendants, then to the father and mother in equal parts, provided the father has not abandoned the support

of his family, in which case to the mother alone; fourth, if either the father or mother be dead then to the one surviving; fifth, if there be no widow, child, father, or mother at the date of settlement, then to the brothers and sisters and children of deceased brothers and sisters, per stirpes: *Provided*, That this Act shall not be so construed as to prevent payment from the amount due the decedent's estate of funeral expenses, provided a claim therefor is presented by the person or persons who actually paid the same before settlement by the accounting officers. [34 Stat. L. 750.]

This is from the Sundry Civil Expenses Appropriation Act of June 30, 1906, ch. 3914.

An Act Authorizing the issue of obsolete ordnance and ordnance stores for use of State and Territorial educational institutions and to State soldiers and sailors orphans' homes.

[Act of June 30, 1906, ch. 3938, 34 Stat. L. 817.]

[*Loan of ordnance to state schools, etc. — bond — restriction.*] That the Secretary of War is hereby authorized to issue, at his discretion and under proper regulations to be prescribed by him, without cost of transportation to the United States, such obsolete ordnance and ordnance stores as may be available to State and Territorial educational institutions and to State soldiers and sailors orphans' homes, for purposes of drill and instruction. And the Secretary of War shall require from such institutions or homes a bond in each case in double the value of the property issued, for the care and safe-keeping thereof and for the return of the same to the United States when required: *Provided*, That the issues herein provided for shall be made only to institutions upon recommendation of the governors of States and Territories and shall not be made in any case to any educational institution to which issues of such stores are allowed to be made under provisions of existing law. [34 Stat. L. 817.]

An Act To reorganize and to increase the efficiency of the artillery of the United States Army.

[Act of Jan. 25, 1907, ch. 397, 34 Stat. L. 861.]

[SEC. 1.] [*Artillery reorganization — coast and field artillery organization — chief of artillery to be chief of coast artillery after July 1, 1908, etc.*] That the artillery of the United States Army shall consist of the Chief of Artillery, the coast artillery, and the field artillery. The coast artillery and the field artillery shall be organized as hereinafter specified, and the artillery shall belong to the line of the Army: *Provided*, That on and after July first, nineteen hundred and eight, the Chief of Artillery shall cease to exercise supervision over the field artillery and shall thereafter be designated as the Chief of Coast Artillery. [34 Stat. L. 861.]

SEC. 2. [*To be additional member of general staff corps — vacancies; how filled — rank, etc., upon retirement — additional number in grade — limit.*] That the Chief of Artillery or Chief of Coast Artillery shall be an additional member of the General Staff Corps, and his other duties shall be prescribed by the Secretary of War. When a vacancy occurs in the office of the Chief of Artillery or Chief of Coast Artillery the President may appoint to such vacancy, by and with the advice and consent of the Senate, an officer selected from the coast artillery, who shall serve for a period of four years unless reappointed for further periods of four years; and any officer who shall hereafter serve as Chief of Artillery or Chief of Coast Artillery shall, when retired, be

retired with the rank, pay, and allowances authorized by law for a brigadier-general on the retired list. The position vacated by an officer appointed Chief of Artillery or Chief of Coast Artillery shall be filled by promotion in that arm according to existing law, but the officer thus appointed shall continue in the same lineal position in his arm which he would have held if he had not been so appointed, and shall be an additional number in the grade from which he was appointed or to which he may be promoted: *Provided*, That there shall not be at any time in the coast artillery more than one additional officer by reason of the appointment of a Chief of Artillery or Chief of Coast Artillery and the relief of an officer from such duty. [34 Stat. L. 861.]

SEC. 3. [*Coast artillery; duties.*] That the coast artillery is the artillery charged with the care and use of the fixed and movable elements of land and coast fortifications, including the submarine mine and torpedo defenses. [34 Stat. L. 861.]

SEC. 4. [*Field artillery.*] That the field artillery is the artillery which accompanies an army in the field, and includes light artillery, horse artillery, siege artillery, and mountain artillery. [34 Stat. L. 861.]

SEC. 5. [*Coast artillery to constitute a corps — number of officers — bands.*] That the coast artillery shall constitute a corps, and shall consist of one Chief of Coast Artillery with the rank, pay, and allowances of a brigadier-general, as provided in section one of this Act; fourteen colonels; fourteen lieutenant-colonels; forty-two majors; two hundred and ten captains; two hundred and ten first lieutenants, and two hundred and ten second lieutenants; and the captains and lieutenants provided for in this section not required for duty with companies shall be available for duty as staff officers of the various coast artillery commands and for such other details as may be authorized by law and regulations; twenty-one sergeants-major with the rank, pay, and allowances of regimental sergeants-major of infantry; twenty-six master electricians; sixty engineers; seventy-four electrician-sergeants, first class; seventy-four electrician-sergeants, second class; forty-two sergeants-major with the rank, pay, and allowances of battalion sergeants-major of infantry; forty-two master gunners; sixty firemen; one hundred and seventy companies, and fourteen bands, organized as now provided for by law for artillery corps bands. [34 Stat. L. 861.]

SEC. 6. [*Composition of companies — maximum, enlisted men.*] That each company of coast artillery shall consist of one captain, one first lieutenant, one second lieutenant, one first sergeant, one quartermaster-sergeant, two cooks, two mechanics, two musicians, and such number of sergeants, corporals, and privates as may be fixed by the President in accordance with the requirements of the service to which it may be assigned: *Provided*, That the total number of sergeants and corporals in the coast artillery, so fixed, shall not exceed one thousand three hundred and sixty and two thousand and forty, respectively, and that the total enlisted strength of the coast artillery, as provided under this Act, shall not exceed nineteen thousand one hundred and forty-seven, exclusive of master electricians, electrician-sergeants, first class, and electrician-sergeants, second class. [34 Stat. L. 862.]

SEC. 7. [*Field artillery organization — detail of officers — band — increase of mounted orderlies.*] That the field artillery shall consist of six regiments, each organized as follows: One colonel, one lieutenant-colonel, two majors,

eleven captains, thirteen first lieutenants, and thirteen second lieutenants; two veterinarians, one sergeant-major, one quartermaster-sergeant, one commissary-sergeant, two battalion sergeants-major, two battalion quartermaster-sergeants, two color-sergeants, one band, and six batteries organized into two battalions of three batteries each. Of the officers herein provided the captains and lieutenants not required for duty with batteries shall be available for detail as regimental and battalion staff officers, and for such other details as may be authorized by law and regulations. Battalion adjutants shall be detailed from the captains, and battalion quartermasters and commissaries from lieutenants. Each field artillery band shall be organized as provided by law for cavalry bands: *Provided*, That the President in his discretion may increase by nine mounted orderlies the regimental strength herein authorized. [34 Stat. L. 862.]

SEC. 8. [*Composition of batteries — additional noncommissioned officers etc. — limit.*] That each battery of field artillery shall consist of one captain, two first lieutenants, two second lieutenants, one first sergeant, one quartermaster-sergeant, one stable sergeant, one chief mechanic, six sergeants, twelve corporals, four mechanics, three cooks, two musicians, and one hundred and two privates, the commissioned officers to be assigned from among those hereinbefore authorized for the regiment: *Provided*, That the President in his discretion may increase the number of sergeants in any battery of field artillery to eight, the number of corporals to sixteen, the number of mechanics to seven, the number of musicians to three, and the number of privates to one hundred and forty-nine; *Provided further*, That nothing contained in this Act shall increase the total number of enlisted men in the line of the Army, together with the native scouts, as authorized by section thirty-six of the Act of Congress, approved February second, nineteen hundred and one, entitled "An Act to increase the efficiency of the permanent military establishment of the United States." [34 Stat. L. 862.]

For sec. 36 of the Act of Feb. 2, 1901, see 7 Fed. Stat. Annot. 963.

SEC. 9. [*Permanent separation of coast and field artillery — promotions — assignment of officers according to aptitude, etc.*] That on and after the approval of this Act the coast artillery and the field artillery shall be permanently separated, the separation to be effected as follows; All officers in the present Artillery Corps shall remain on one list as regards promotion until sufficient promotions shall have been made, as far as the present number of officers permit, to provide in each grade, together with the officers remaining therein, the total number of officers of the grade provided for in this Act for the coast and field artillery combined. After such promotion they shall, in each grade, be assigned by the President to the coast artillery or to the field artillery, according to special aptitude and qualifications and agreeably to individual preference, so far as may be practicable and for the good of the service, such assignments to be permanent; and all officers promoted or appointed in the artillery thereafter shall be commissioned as officers of the coast artillery or the field artillery, as the case may be, and shall be promoted by seniority in their own branch, subject to the provisions of the laws governing promotion in the Army at large. [34 Stat. L. 863.]

SEC. 10. [*Filling vacancies.*] That all vacancies created or caused by this Act which can be filled by promotion of officers now in the Artillery Corps shall be filled by promotion according to seniority, subject to examination as now

prescribed by law. Of the vacancies created or caused by this Act which can not be filled by promotion of officers now in the Artillery Corps, one-fifth in each branch shall be filled in each fiscal year until the total number of officers herein provided for shall have been attained. The vacancies remaining in the grade of second lieutenant shall be filled by appointment in the following order: First, of graduates of the United States Military Academy; second, of enlisted men whose fitness for advancement shall have been determined by competitive examination; third, of candidates from civil life; and all such appointments shall be made in accordance with the provisions of existing law. [34 Stat. L. 863.]

SEC. 11. [*Noncommissioned staff officers — pay and allowances — additional pay to electricians, etc. — maximum number of electricians, etc. — limit of addition to pay.*] That the regimental and battalion noncommissioned staff officers herein authorized for regiments of field artillery shall have the pay and allowances of corresponding grades in the cavalry; the battalion quartermaster-sergeant shall have the pay and allowances of sergeant-major, junior grade, of the Artillery Corps; the chief mechanic the pay and allowances of sergeant, and the mechanics of field artillery the pay and allowances of artificers of field artillery; engineer, sixty-five dollars a month and allowances of ordnance-sergeant; electrician-sergeant, first class, forty-five dollars a month and allowances of ordnance-sergeant; electrician-sergeant, second class, thirty-five dollars a month and allowances of ordnance-sergeant; master gunner, the pay and allowances of ordnance-sergeant; fireman, thirty dollars a month and allowances of ordnance-sergeant; and that the rates of pay of all other enlisted men of the coast and the field artillery shall be as now provided by law: *Provided*, That casemate electricians, observers, first class, and plotters shall receive nine dollars a month in addition to their pay; that chief planters, chief loaders, observers, second class, gun commanders, and gun pointers shall receive seven dollars a month in addition to their pay, and that first-class gunners shall receive two dollars a month and second-class gunners one dollar a month in addition to their pay: *Provided further*, That the number of casemate electricians shall not exceed forty-four; that the number of observers, first class, shall not exceed one hundred and seventy; that the number of plotters shall not exceed one hundred and seventy; that the number of chief planters shall not exceed forty-four; that the number of chief loaders shall not exceed forty-four; that the number of observers, second class, shall not exceed one hundred and seventy; that the number of gun commanders shall not exceed three hundred and seventy-eight, and that the number of gun pointers shall not exceed three hundred and seventy-eight: *And provided further*, That no enlisted man shall receive under this section more than one addition to his pay. [34 Stat. L. 863.]

SEC. 12. [*Additional chaplains — rank, etc.*] That in addition to the chaplains now authorized for the Artillery Corps the President is authorized to appoint, by and with the advice and consent of the Senate, and subject to the laws governing appointment of chaplains in the Army, one chaplain for each regiment of field artillery and two for the coast artillery, with the rank, pay, and allowances now authorized by law for chaplains in the Army. [34 Stat. L. 864.]

SEC. 13. [*Repeal.*] That all laws and parts of laws inconsistent with the provisions of this Act are hereby repealed. [34 Stat. L. 864.]

[*Skilled draftsmen, etc., in office of chief of ordnance — limit, etc.*] The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications and for the arming and equipping of the organized militia, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and eight, shall not exceed forty thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each. [34 Stat. L. 966.]

This and the following paragraph are from the Legislative, Executive, and Judicial Appropriation Act of Feb. 26, 1907, ch. 1635.

[*Skilled draftsmen, etc., in office of chief of engineers — limit, etc.*]
* * * And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and eight, shall not exceed ten thousand dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each. [34 Stat. L. 966.]

An Act Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and eight.

[Act of March 2, 1907, ch. 2511, 34 Stat. L. 1158.]

[SEC. 1.] [*Adjutant-General's Department — title of officers.*] * * * That hereafter the Military Secretary's Department of the Army shall be known as the Adjutant-General's Department, the senior in rank of the officers of said department shall be designated by the title of The Adjutant-General, the other officers of the Department shall be designated by the title of Adjutant-General, and The Military Secretary's Office of the War Department shall be known as the Adjutant-General's Office. [34 Stat. L. 1158.]

[*Assignments.*] * * * That hereafter all commissioned officers of the Army may transfer or assign their pay accounts, when due and payable, under such regulations and restrictions as the Secretary of War may prescribe. [34 Stat. L. 1159.]

The same provision, except for the word "hereafter," occurs in the Army Appropriation Act of June 12, 1906, see *supra*, p. 681.

[*Recruit and prison companies.*] * * * That hereafter recruit and prison companies shall have noncommissioned officers, musicians, artificers and cooks of the number and grades allowed by law for companies of infantry. [34 Stat. L. 1160.]

[*Lieutenant-General — office to cease.*] * * * That when the office of Lieutenant-General shall become vacant it shall not thereafter be filled, but said office shall cease and determine: [34 Stat. L. 1160.]

[*Transfers of officers of line to staff.*] * * * That the provisions of section twenty-seven of the Act of February second, nineteen hundred and one, with reference to the transfer of officers of the line to the departments of the staff for tours of service, shall apply to the vacancy created by this Act and to the return of the officer so detailed to the line of the Army. [34 Stat. L. 1162.]

[*Detail of officer to assist Chief of Bureau of Insular Affairs.*] * * * That the Secretary of War is hereby authorized to detail an officer of the Army, whom he may consider especially well qualified, to act as principal assistant to the Chief of the Bureau of Insular Affairs of the War Department, and said principal assistant while acting under said detail shall have the rank, pay, and allowances of a major: [34 Stat. L. 1162.]

[*Retirement of brigadier-generals having civil war service.*] * * * That officers who served creditably in the regular or volunteer forces during the civil war prior to April ninth, eighteen hundred and sixty-five, and who now hold the rank of brigadier-general on the active list of the Army, having previously held that rank for three years or more, shall, when retired from active service, have the rank and retired pay of major-general. [34 Stat. L. 1163.]

[*Emergency ration.*] * * * That hereafter the emergency ration prescribed for use on emergent occasions shall, when issued, be furnished in addition to the regular ration under such regulations as may be prescribed by the Secretary of War; [34 Stat. L. 1165.]

[*Disbursement of funds — funds in officers' personal possession.*] * * * That hereafter officers intrusted with the disbursement of funds for the subsistence of the Army are hereby authorized to keep, at their own risk, in their personal possession for disbursement, such restricted amounts of subsistence funds for facilitating payments of small amounts to public creditors as shall from time to time be authorized by the Secretary of War; [34 Stat. L. 1166.]

[*Heat and light at officers' quarters.*] * * * That hereafter the heat and light actually necessary for the authorized allowance of quarters for officers and enlisted men shall be furnished at the expense of the United States under such regulations as the Secretary of War may prescribe; [34 Stat. L. 1167.]

[*Quartermaster's Department — restriction at West Point — extra duty pay.*] * * * That hereafter no part of the moneys appropriated for use of the Quartermaster's Department shall be used in payment of extra duty pay for the Army service men in the Quartermaster's Department at West Point; [34 Stat. L. 1167.]

[*Officers' quarters at posts and stations.*] * * * That section nine of an Act approved June seventeenth [eighteenth?], eighteen hundred and seventy-eight (Twentieth Statutes at Large, page one hundred and fifty-one), be, and the same is hereby, amended to read as follows: "That at all posts and stations where there are public quarters belonging to the United States officers may be furnished with quarters in kind in such public quarters, and not elsewhere, by the Quartermaster's Department, assigning to the officers of each grade, respectively, such number of rooms as is stated in the following table, namely: Second lieutenants, two rooms; first lieutenants, three rooms; captains, four rooms; majors, five rooms; lieutenant-colonels, six rooms; colonels, seven rooms; brigadier-generals, eight rooms; major-generals, nine rooms; lieutenant-general, ten rooms: *Provided further,* That at places where there are no

public quarters commutation therefor may be paid by the Pay Department to the officer entitled to the same at a rate not exceeding twelve dollars per month per room:" [34 Stat. L. 1168.]

For sec. 9 of Act of June 18, 1878, above amended, see 7 Fed. Stat. Annot. 1042: There is no Act of June *seventeenth*, 1878, having a section nine.

An Act Providing for the retirement of noncommissioned officers, petty officers, and enlisted men of the Army, Navy, and Marine Corps of the United States.

[Act of March 2, 1907, ch. 2615, 34 Stat. L. 1217.]

[SEC. 1.] [*Retired enlisted men — additional allowances to — credit for all service.*] That when an enlisted man shall have served thirty years either in the Army, Navy, or Marine Corps, or in all, he shall, upon making application to the President, be placed upon the retired list, with seventy-five per centum of the pay and allowances he may then be in receipt of, and that said allowances shall be as follows: Nine dollars and fifty cents per month in lieu of rations and clothing and six dollars and twenty-five cents per month in lieu of quarters, fuel, and light: *Provided*, That in computing the necessary thirty years' time all service in the Army, Navy, and Marine Corps shall be credited. [34 Stat. L. 1217.]

SEC. 2. [*Repeal.*] That all Acts and parts of Acts, so far as they conflict with the provisions of this Act, are hereby repealed. [34 Stat. L. 1218.]

An Act To authorize the Secretary of War to make certain disposition of condemned guns and cannon balls.

[Act of March 2, 1907, ch. 2640, 34 Stat. L. 1233.]

[*Obsolete ordnance — given to Athens Monument Association, Ohio.*] That the Secretary of War be, and he is hereby, authorized, in his discretion, to give to the Monument Association, Athens, Ohio, four condemned brass or bronze guns with suitable outfit of cannon balls which may not be needed in the service. Such gift shall be made subject to rules and regulations covering the same in the War Department, and the Government shall be at no expense in connection with such loan or gift. [34 Stat. L. 1233.]

[SEC. 1.] [*Back pay and bounty — stating balances.*] * * * For payment of amounts for arrears of pay of two and three year volunteers, for bounty to volunteers and their widows and legal heirs, for bounty under the Act of July twenty-eighth, eighteen hundred and sixty-six, and for amounts for commutation of rations to prisoners of war in rebel States, and to soldiers on furlough, that may be certified to be due by the accounting officers of the Treasury during the fiscal year nineteen hundred and eight, two hundred thousand dollars: *Provided*, That in all cases hereafter so certified the said accounting officers shall, in stating balances, follow the decisions of the United States Supreme Court or of the Court of Claims of the United States after the time for appeal has expired, if no appeal be taken, without regard to former settlements or adjudications by their predecessors. [34 Stat. L. 1356.]

This is from the Sundry Civil Appropriation Act of March 4, 1907, ch. 2918.

An Act To increase the efficiency of the Medical Department of the United States Army.

[Act of April 23, 1908, ch. 150, 35 Stat. L. 66.]

[SEC. 1.] [*Organization of army medical department.*] That from and after the approval of this Act the Medical Department of the United States Army shall consist of a Medical Corps and a Medical Reserve Corps, as hereinafter provided; and the Hospital Corps, the nurse corps, and dental surgeons, as now authorized by law. [35 Stat. L. 66.]

SEC. 2. [*Medical Corps — composition of — officers.*] That the Medical Corps shall consist of one Surgeon-General, with rank of brigadier-general, who shall be chief of the Medical Department; fourteen colonels, twenty-four lieutenant-colonels, one hundred and five majors, and three hundred captains or first lieutenants, who shall have rank, pay, and allowances of officers of corresponding grades in the cavalry arm of the service. Immediately following the approval of this Act all officers of the Medical Department then in active service, other than the Surgeon-General, shall be recommissioned in the corresponding grades in the Medical Corps established by this Act in the order of their seniority and without loss of relative rank in the Army, as follows: Assistant surgeons-general, with the rank of colonel, as colonels; deputy surgeons-general, with rank of lieutenant-colonel, as lieutenant-colonels; surgeons, with the rank of major, as majors; assistant surgeons, who at the time of the approval of this Act shall have served three years or more, as captains; and assistant surgeons, with the rank of first lieutenant, who at the time of the approval of this Act shall have served less than three years as such, as first lieutenants; and hereafter first lieutenants shall be promoted to the grade of captain after three years' service in the Medical Corps. [35 Stat. L. 66.]

SEC. 3. [*Vacancies and promotions.*] That promotions in the Medical Corps to fill vacancies in the several grades created or caused by this Act, or hereafter occurring, shall be made according to seniority, but all such promotions and all appointments to the grade of first lieutenant in said corps shall be subject to examination as hereinafter provided: *Provided*, That the increase in grades of colonel, lieutenant-colonel, and major provided for in this Act shall be filled by promotion each calendar year of not exceeding two lieutenant-colonels to be colonels, three majors to be lieutenant-colonels, fourteen captains to be majors, and of the increase in the grade of first lieutenant not more than twenty-five per centum of the total of such increase shall be appointed in any one calendar year: *Provided further*, That those assistant surgeons who at the time of the approval of this Act shall have attained their captaincy by reason of service in the volunteer forces under the provisions of the Act of February second, nineteen hundred and one, section eighteen, or who will receive their captaincy upon the approval of this Act by virtue of such service, shall take rank among the officers in or subsequently promoted to that grade, according to date of entrance into the Medical Department of the Army as commissioned officers. [35 Stat. L. 67.]

For sec. 18 of the Act of Feb. 2, 1901, see 7 Fed. Stat. Annot. 982.

SEC. 4. [*Examination for appointment as first lieutenant.*] That no person shall receive an appointment as first lieutenant in the Medical Corps unless he shall have been examined and approved by an army medical board consisting of not less than three officers of the Medical Corps designated by the Secretary of War. [35 Stat. L. 67.]

SEC. 5. [*Promotions of officers below rank of lieutenant-colonel — retirement if physically disabled.*] That no officer of the Medical Corps below the rank of lieutenant-colonel shall be promoted therein until he shall have successfully passed an examination before an army medical board consisting of not less than three officers of the Medical Corps, to be designated by the Secretary of War, such examination to be prescribed by the Secretary of War and to be held at such time anterior to the accruing of the right to promotion as may be for the best interests of the service: *Provided*, That should any officer of the Medical Corps fail in his physical examination and be found incapacitated for service by reason of physical disability contracted in the line of duty, he shall be retired with the rank to which his seniority entitled him to be promoted; but if he should be found disqualified for promotion for any other reason, a second examination shall not be allowed, but the Secretary of War shall appoint a board of review to consist of three officers of the Medical Corps superior in rank to the officer examined, none of whom shall have served as a member of the board which examined him. If the unfavorable finding of the examining board is concurred in by the board of review, the officer reported disqualified for promotion shall, if a first lieutenant or captain, be honorably discharged from the service with one year's pay; and, if a major, shall be debarred from promotion and the officer next in rank found qualified shall be promoted to the vacancy. If the action of the examining board is disapproved by the board of review, the officer shall be considered qualified and shall be promoted. [35 Stat. L. 67.]

SEC. 6. [*Rank and service of present officers not affected.*] That nothing in this Act shall be construed to legislate out of the service any officer now in the Medical Department of the Army, nor to affect the relative rank or promotion of any medical officer now in the service, or who may hereafter be appointed therein, as determined by the date of his appointment or commission, except as herein otherwise provided in section three. [35 Stat. L. 68.]

SEC. 7. [*Medical Reserve Corps authorized.*] That for the purpose of securing a reserve corps of medical officers available for military service, the President of the United States is authorized to issue commissions as first lieutenants therein to such graduates of reputable schools of medicine, citizens of the United States, as shall from time to time, upon examination to be prescribed by the Secretary of War, be found physically, mentally, and morally qualified to hold such commissions, the persons so commissioned to constitute and be known as the Medical Reserve Corps. The commissions so given shall confer upon the holders all the authority, rights, and privileges of commissioned officers of the like grade in the Medical Corps of the United States Army, except promotions, but only when called into active duty, as hereinafter provided, and during the period of such active duty. Officers of the Medical Reserve Corps shall have rank in said corps according to date of their commissions therein, and when employed on active duty, as hereinafter provided, shall rank next below all other officers of like grade in the United States Army: *Provided*, That contract surgeons now in the military service who receive the favorable recommendation of the Surgeon-General of the Army shall be eligible for appointment in said reserve corps without further examination: *Provided further*, That any contract surgeon not over twenty-seven years of age at date of his appointment as contract surgeon shall be eligible to appointment in the regular corps. [35 Stat. L. 68.]

SEC. 8. [Emergency service.] That in emergencies the Secretary of War may order officers of the Medical Reserve Corps to active duty in the service of the United States in such numbers as the public interests may require, and may relieve them from such duty when their services are no longer necessary: *Provided*, That nothing in this Act shall be construed as authorizing an officer of the Medical Reserve Corps to be ordered upon active duty as herein provided who is unwilling to accept such service, nor to prohibit an officer of the Medical Reserve Corps not designated for active duty from service with the militia, or with the volunteer troops of the United States, or in the service of the United States in any other capacity, but when so serving with the militia or with volunteer troops, or when employed in the service of the United States in any other capacity, an officer of the Medical Reserve Corps shall not be subject to call for duty under the terms of this section: *And provided further*, That the President is authorized to honorably discharge from the Medical Reserve Corps any officer thereof whose services are no longer required: *And provided further*, That officers of the Medical Reserve Corps who apply for appointment in the Medical Corps of the Army may, upon the recommendation of the Surgeon-General, be placed on active duty by the Secretary of War and ordered to the Army Medical School for instruction and further examination to determine their fitness for commission in the Medical Corps: *And provided further*, That any officer of the Medical Reserve Corps who is subject to call and who shall be ordered upon active duty as herein provided and who shall be unwilling and refuse to accept such service shall forfeit his commission. [35 Stat. L. 68.]

SEC. 9. [Pay and allowance in Reserve Corps.] That officers of the Medical Reserve Corps when called upon active duty in the service of the United States as provided in section eight of this Act, shall be subject to the laws, regulations, and orders for the government of the Regular Army, and during the period of such service shall be entitled to the pay and allowances of first lieutenants of the Medical Corps with increase for length of service now allowed by law, said increase to be computed only for time of active duty: *Provided*, That no officer of the Medical Reserve Corps shall be entitled to retirement or retirement pay, nor shall he be entitled to pension except for physical disability incurred in the line of duty while in active duty: *And provided further*, That nothing in this Act shall be construed to prevent the appointment in time of war of medical officers of volunteers in such numbers and with such rank and pay as may be provided by law. [35 Stat. L. 68.]

SEC. 10. [Repeal.] That all Acts and parts of Acts in conflict with the provisions of this Act are hereby repealed. [35 Stat. L. 69.]

An Act Making appropriation for the support of the Army for the fiscal year ending June thirtieth, nineteen hundred and nine.

[Act of May 21, 1908, ch. 163, 35 Stat. L. 106.]

[SEC. 1.] [Pay and allowances of officers and men.] * * * That hereafter the annual pay of officers of the Army of the several grades herein mentioned shall be as follows: Major-general, eight thousand dollars; brigadier-general, six thousand dollars; colonel, four thousand dollars; lieutenant-colonel, three thousand five hundred dollars; major, three thousand dollars; captain, two thousand four hundred dollars; first lieutenant, two thousand dollars; second lieutenant,

one thousand seven hundred dollars. And the pay of cadets at the Military Academy shall hereafter be six hundred dollars a year. That hereafter the United States shall furnish mounts and horse equipments for all officers of the Army below the grade of major required to be mounted, but in case any officer below the grade of major required to be mounted provides himself with suitable mounts at his own expense, he shall receive an addition to his pay of one hundred and fifty dollars per annum if he provides one mount, and two hundred dollars per annum if he provides two mounts. Section twelve hundred and sixty-seven of the Revised Statutes of the United States is hereby amended to read as follows: "In no case shall the pay of a colonel exceed five thousand dollars a year; the pay of a lieutenant-colonel exceed four thousand five hundred dollars a year, or the pay of a major exceed four thousand dollars a year." *Provided*, That nothing in this section is intended to increase or change or shall be construed as increasing or changing the present pay or allowances of any officer in the United States Navy; and section thirteen of an Act entitled "An Act to reorganize and increase the efficiency of the personnel of the Navy and Marine Corps of the United States," approved March third, eighteen hundred and ninety-nine, shall not be construed as changing the pay of any naval officer by reason of the provisions of this Act.

That hereafter immediately upon official notification of the death from wounds or disease not the result of his own misconduct of any officer or enlisted man on the active list of the Army, the Paymaster-General of the Army shall cause to be paid to the widow of such officer or enlisted man, or to any other person previously designated by him, an amount equal to six months' pay at the rate received by such officer or enlisted man at the date of his death, less seventy-five dollars in the case of an officer and thirty-five dollars in the case of an enlisted man. From the amount thus reserved the Quartermaster's Department shall be reimbursed for expenses of interment, and the residue, if any, of the amount reserved shall be paid subsequently to the designated person. The Secretary of War shall establish regulations requiring each officer and enlisted man to designate the proper person to whom this amount shall be paid in case of his death, and said amount shall be paid to that person from funds appropriated for the pay of the Army.

That hereafter the monthly pay of enlisted men of the Army during their first enlistment shall be as follows, namely: Master electricians, master signal electricians, seventy-five dollars; engineers, sixty-five dollars; sergeants first class Hospital Corps, fifty dollars; regimental sergeants-major, regimental quartermaster-sergeants, regimental commissary-sergeants, sergeants-major senior grade coast artillery, battalion sergeants-major of engineers, post quartermaster-sergeants, post commissary-sergeants, post ordnance-sergeants, battalion quartermaster-sergeants of engineers, electrician-sergeants first class, sergeants first class Signal Corps, and first sergeants, forty-five dollars; battalion sergeants-major of infantry and field artillery, squadron sergeants-major, sergeants-major junior grade coast artillery, battalion quartermaster-sergeants, field artillery, and master gunners, forty dollars; electrician-sergeants second class, sergeants of engineers, ordnance, and Signal Corps, quartermaster-sergeants of engineers, and color-sergeants, thirty-six dollars; sergeants and quartermaster-sergeants of cavalry, artillery, and infantry, stable-sergeants, sergeants, and acting cooks of the Hospital Corps, firemen, and cooks, thirty dollars: *Provided*, That mess sergeants shall receive six dollars per month in addition to their pay; corporals of engineers, ordnance, Signal Corps, and Hospital Corps, chief mechanics, and mechanics, coast artillery, twenty-four dollars; corporals of cavalry, artillery, and infantry, mechanics of field artillery, blacksmiths and farriers, saddlers,

wagoners, and artificers, twenty-one dollars: *Provided*, That not to exceed one blacksmith and farrier in each troop of cavalry and one mechanic in each battery of field artillery shall receive nine dollars per month additional for performing the duty of horseshoer; privates first class of engineers, ordnance, Signal Corps, and Hospital Corps, eighteen dollars; privates, Hospital Corps, sixteen dollars; trumpeters, musicians of infantry, artillery, and engineers, privates of cavalry, artillery, infantry, Signal Corps, and privates second class, engineers and ordnance, fifteen dollars.

That hereafter any soldier honorably discharged at the termination of an enlistment period who reenlists within three months thereafter shall be entitled to continuous-service pay as herein provided, which shall be in addition to the initial pay provided for in this Act and shall be as follows, namely: For those whose initial pay as provided herein is thirty-six dollars or more an increase of four dollars monthly pay for and during the second enlistment, and a further increase of four dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is eighteen, twenty-one, twenty-four, or thirty dollars, an increase of three dollars monthly pay for and during the second enlistment, and a further increase of three dollars for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment. For those whose initial pay as provided for herein is fifteen and sixteen dollars, an increase of three dollars monthly pay for and during the second and third enlistments each, and a further increase of one dollar for and during each subsequent enlistment up to and including the seventh, after which the pay shall remain as in the seventh enlistment: *Provided*, That hereafter any soldier honorably discharged at the termination of his first or any succeeding enlistment period who reenlists after the expiration of three months shall be regarded as in his second enlistment; that an enlistment shall not be regarded as complete until the soldier shall have made good any time lost during an enlistment period by unauthorized absences exceeding one day, but any soldier who receives an honorable discharge for the convenience of the Government after having served more than half of his enlistment shall be considered as having served an enlistment period within the meaning of this Act; that the present enlistment period of men now in service shall be determined by the number of years continuous service they have had at the date of approval of this Act, under existing laws, counting three years to an enlistment, and the former service entitling an enlisted man to reenlisted pay under existing laws shall be counted as one enlistment period: *And provided further*, That hereafter any private soldier, musician or trumpeter honorably discharged at the termination of his first enlistment period who reenlists within three months of the date of said discharge shall, upon such reenlistment, receive an amount equal to three months' pay at the rate he was receiving at the time of his discharge.

That hereafter enlisted men now qualified or hereafter qualifying as marksmen shall receive two dollars per month; as sharpshooters, three dollars per month; as expert riflemen, five dollars per month; as second-class gunners, two dollars per month; as first-class gunners, three dollars per month; as gun pointers, gun commanders, observers second class, chief planters and chief loaders, seven dollars per month; as plotters, observers first class, and casemate electricians, nine dollars per month, all in addition to their pay, under such regulations as the Secretary of War may prescribe, but no enlisted man shall receive at the same time additional pay for more than one of the classifications named in this section: *Provided*, That nothing in this Act shall be construed

to increase the total number of gun pointers, gun commanders, observers, chief planters, chief loaders, plotters, and casemate electricians now authorized by law.

That increase of pay for service beyond the limits of the States comprising the Union, and the territories of the United States contiguous thereto, shall be as now provided by law.

That hereafter the monthly pay during the first enlistment of enlisted men of bands, exclusive of the band of the United States Military Academy, shall be as follows:

Chief musicians, seventy-five dollars; principal musicians and chief trumpeters, forty dollars; sergeants and drum-majors, thirty-six dollars; corporals, thirty dollars; and privates, twenty-four dollars; and the continuous-service pay of all grades shall be as provided in this Act: *Provided*, That army bands or members thereof shall not receive remuneration for furnishing music outside the limits of military posts when the furnishing of such music places them in competition with local civilian musicians.

That sections twelve hundred and eighty, twelve hundred and eighty-one, and twelve hundred and eighty-four of the Revised Statutes be, and are hereby, repealed, and so much of section forty-eight hundred and nineteen as pertains to the deduction of twelve and one-half cents per month from the pay of every soldier of the Regular Army for the benefit of the Soldiers' Home be, and the same is hereby, repealed.

That section six of the Act entitled "An Act for the better organization of the line of the Army of the United States," approved April twenty-sixth, eighteen hundred and ninety-eight, be amended so as to read as follows:

"SEC. 6. That any soldier who deserts shall, besides incurring the penalties now attaching to the crime of desertion, forfeit all right to pension which he might otherwise have acquired."

That nothing herein contained shall be construed so as to reduce the pay or allowances now authorized by law for any officer or enlisted man of the Army; and all laws or parts of laws inconsistent with the provisions of this Act are hereby repealed. [35 Stat. L. 108-110.]

For R. S. secs. 1280, 1281, 1284, above repealed, see 7 Fed. Stat. Annot. 1049, 1052, 1053.

For R. S. sec. 4819, partially repealed, see 3 Fed. Stat. Annot. 255.

For sec. 6 of the Act of April 26, 1898, above amended, see 7 Fed. Stat. Annot. 1051.

In the second paragraph above the words "not the result of his own misconduct" were substituted for the words "contracted in the line of duty" (which appeared in the original Act) by the Army Appropriation Act of March 3, 1909, ch. 252, 35 Stat. L. 735.

[*Clerks, messengers, and laborers — assignment to offices and positions.*]

* * * And said clerks, messengers, and laborers shall be employed and assigned by the Secretary of War to the offices and positions in which they are to serve: *Provided*, That no clerk, messenger, or laborer at headquarters of divisions, departments, or office of the Chief of Staff, shall be assigned to duty with any bureau in the War Department. [35 Stat. L. 112.]

[*Mileage to officers and surgeons.*] * * * That hereafter actual expenses only, not to exceed four dollars and fifty cents per day and cost of transportation when not furnished by the Quartermaster's Department, shall be paid to the officers of the Army, contract surgeons, and dental surgeons, when traveling on duty without troops, under competent orders, within the geographical limits of the Territory of Alaska. [35 Stat. L. 114.]

[*Pay for service on army transports.*] * * * That officers and enlisted men who have served on army transports in the Philippine Archipelago at any time since May twenty-sixth, nineteen hundred, under the control and orders of the commanding general, Philippines Division, or who may hereafter so serve, shall be entitled to receive the same rate of pay as is provided by law for officers and enlisted men serving at shore stations beyond the limits of the United States. [35 Stat. L. 114.]

[*Porto Rico regiment — term of enlistment.*] * * * That men hereafter enlisted in the Porto Rico Provisional Regiment of Infantry shall be enlisted for a period of three years and may be reenlisted, such enlistments and reenlistments to be subject to the regulations governing the Army at large, with such modifications as to physical requirements as the President may prescribe. [35 Stat. L. 114.]

[*Bonds not required of militia officers.*] * * * That officers of the organized militia who may hereafter be furnished, under proper authority, with funds for the purchase of coffee, or other components of the travel ration for the use of their respective commands, shall not be required to furnish bonds for the safe-keeping and disbursement of the same. [35 Stat. L. 117.]

[*Horses for officers, etc.*] * * * and nothing in the Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year nineteen hundred and eight, or any other Act, shall hereafter be held or construed so as to deprive officers of the Army, wherever on duty in the military service of the United States, of forage, bedding, shoeing, or shelter for their authorized number of horses, or of any means of transportation or maintenance therefor for which provision is made by the terms of this Act. [35 Stat. L. 117.]

This provision is repeated in the Army Appropriation Act of March 3, 1909, ch. 252, 35 Stat. L. 742.

[*Interments of officers and men*] * * * expenses of the interment of officers killed in action or who die when on duty in the field, or at military posts or on the frontiers, or when traveling under orders, and of noncommissioned officers and soldiers; and in all cases where such expenses would have been lawful claims against the Government, reimbursement may be made of expenses heretofore or hereafter incurred by individuals of burial and transportation of remains of officers, including acting assistant surgeons, not to exceed the amount now allowed in the cases of officers, and for the reimbursement in the cases of enlisted men not exceeding the amount now allowed in their cases, may be paid out of the proper funds appropriated by this Act, and the disbursing officers shall be credited with such reimbursement heretofore made; but hereafter no reimbursement shall be made of such expenses incurred prior to the twenty-first day of April, eighteen hundred and ninety-eight; [35 Stat. L. 118.]

This provision is repeated in the Army Appropriation Act of March 3, 1909, ch. 252, 35 Stat. L. 743.

[*Special purchases of articles of ordnance property.*] * * * Whenever proposals are invited for the furnishing of articles of ordnance property, the character of which or the ingredients thereof are of such a nature that the interests of the public service would be injured by publicly divulging them, the Chief of Ordnance is authorized to purchase such articles in such manner as he may deem most economical and efficient. [35 Stat. L. 125.]

[*Insane natives, Philippine Islands, serving in army.*] * * * That hereafter the Secretary of War may, in his discretion, contract for the care, maintenance, and treatment of the insane natives of the Philippine Islands serving in the Army of the United States at any asylum in the Philippine Islands in all cases which he is now authorized by law to cause to be sent to the Government Hospital for the Insane in the District of Columbia. [35 Stat. L. 122.]

An Act To create the office of captain in the Philippine Scouts.

[*Act of May 10, 1903, ch. 171, 35 Stat. L. 103.*]

[*Philippine Scouts — office of captain in, created.*] That the office of captain in the Philippine Scouts is hereby created as a grade of rank in the military establishment. Such captains shall be selected from officers of the grade of first lieutenants in said scouts, and shall be given provisional appointments for periods of four years each, and no such appointments shall be continued for a second or subsequent period unless the officers' conduct shall have been satisfactory in every respect: *Provided*, That the number of officers provisionally appointed under the terms of this Act shall not at any time exceed the number of companies of said native troops which may be formed by the President from time to time for service in the Philippine Islands. [35 Stat. L. 103.]

[*Act of May 22, 1903, ch. 180.*]

[*Sec. 1.*] [*Signal service — report of employees to Congress.*] * * * that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each. [35 Stat. L. 214.]

This and the two paragraphs following are from the Legislative, Executive, and Judicial Appropriation Act of May 22, 1903, ch. 180.

[*Office of the chief of ordnance — skilled draftsmen, etc.*] * * * The services of skilled draftsmen and such other services, not clerical, as the Secretary of War may deem necessary, may be employed in the office of the Chief of Ordnance to carry into effect the various appropriations for the armament of fortifications and for the arming and equipping of the organized militia, to be paid from such appropriations, in addition to the amount specifically appropriated for draftsmen in the Army Ordnance Bureau: *Provided*, That the entire expenditures for this purpose for the fiscal year ending June thirtieth, nineteen hundred and nine, shall not exceed forty-five thousand dollars, and that the Secretary of War shall each year in the annual estimates report to Congress the number of persons so employed, their duties, and the amount paid to each. [35 Stat. L. 216.]

[*Office of chief of engineers — skilled draftsmen, etc.*] * * * And the services of skilled draftsmen, civil engineers, and such other services as the Secretary of War may deem necessary, may be employed only in the office of the Chief of Engineers, to carry into effect the various appropriations for rivers and harbors, fortifications, and surveys, to be paid from such appropriations: *Provided*, That the expenditures on this account for the fiscal year ending June thirtieth, nineteen hundred and nine, shall not exceed fifteen thousand

dollars; and that the Secretary of War shall each year, in the annual estimates, report to Congress the number of persons so employed, their duties, and the amount paid to each. [35 Stat. L. 216.]

SEC. 14. [*Sale of arms, etc., to patriotic organizations.*] That the Chief of Ordnance is hereby authorized to sell without advertisement to patriotic organizations for military purposes surplus obsolete small arms and their equipments and ammunition at such prices as he may deem reasonable and just: *Provided*, That hereafter obsolete small arms and their equipment and ammunition shall not be disposed of to such organizations except as provided for in this Act. [35 Stat. L. 443.]

This is from the Act of May 28, 1908, ch. 215, "An Act Granting condemned ordnance to certain institutions."

[SEC. 1.] [*Contracts for batteries, etc., in Philippine Islands.*] * * * That contracts may be entered into, under the direction of the Secretary of War, for materials and work for construction of seacoast batteries in the Philippine Islands, to be paid for as appropriations may from time to time be made by law, for an additional sum not to exceed six hundred thousand dollars; [35 Stat. L. 730.]

This is from the Fortifications Appropriation Act of March 3, 1909, ch. 251.

An Act Making appropriation for the support of the army for the fiscal year ending June thirtieth, nineteen hundred and ten.

[Act of March 3, 1909, ch. 252, 35 Stat. L. 732.]

[SEC. 1.] [*Pay of horseshoer and farrier.*] * * * That one of the two "blacksmiths and farriers" now authorized by law for each troop of cavalry shall hereafter be designated "farrier," and the other "horseshoer," and that the additional pay of nine dollars per month provided for "one blacksmith and farrier in each troop of cavalry for performing the duty of horseshoer" in the Act of Congress approved May eleventh, nineteen hundred and eight, shall be paid to the soldier designated as "horseshoer." [35 Stat. L. 735.]

[*Medical Corps — promotion of majors, etc.*] * * * That any major of the Medical Corps on the active list of the army who, at his first examination for promotion to the grade of lieutenant-colonel in said corps, has been or shall hereafter be found disqualified for such promotion for any reason other than physical disability incurred in the line of duty shall be suspended from promotion and his right thereto shall pass successively to such officers next below him in rank in said corps as are or may become eligible to promotion under existing law during the period of his suspension; and any officer suspended from promotion, as hereinbefore provided, shall be reexamined as soon as practicable after the expiration of one year from the date of the completion of the examination that resulted in his suspension; and if on such reexamination he is found qualified for promotion, he shall again become eligible thereto; but if he is found disqualified by reason of physical disability incurred in line of duty, he shall be retired, with the rank to which his seniority entitles him

to be promoted; and if he is not found disqualified by reason of such physical disability, but is found disqualified for promotion for any other reason, he shall be retired without promotion. [35 Stat. L. 737.]

[*Retired officers — detail to colleges, etc.*] * * * That the Act approved November third, eighteen hundred and ninety-three, authorizing the detail of officers of the army and navy to educational institutions, be amended so as to provide that retired officers, when so detailed, shall receive the full pay and allowances of their rank, except that the limitations on the pay of officers of the Army above the grade of major as provided in the Acts of March second, nineteen hundred and five, and June twelfth, nineteen hundred and six, shall remain in force. [35 Stat. L. 738.]

For the Act of Nov. 3, 1893, here amended, see 2 Fed. Stat. Annot. 845.

[*Recruiting depots — appointments at — subsistence and supplies.*] * * * That hereafter the Secretary of War may authorize the temporary appointment of such number of sergeants and corporals in the companies at the general recruiting depots as may be necessary for the proper control and instruction of the varying number of recruits attached to such companies; ice for issue to organizations of enlisted men at such places as the Secretary of War may determine; for sales to officers and enlisted men of the army; coffee roasters and cooking apparatus in the field, and when traveling (except on transports), bake ovens and apparatus pertaining thereto; scales, weights, measures, utensils, tools, stationery, blank books and forms, office furniture, commissary chests and outfits, and field desks of commissaries: [35 Stat. L. 741.]

[*Infantry band at recruiting depots.*] * * * That hereafter one of the companies at each recruiting depot shall have the organization of an infantry band, to which recruits showing an aptitude for music may be attached for examination and instruction before assignment to organizations in the Army; [35 Stat. L. 745.]

[*Shooting ranges, etc., open to National Guard.*] For shelter, shooting galleries, ranges for small-arms target practice, repairs, and expenses incident thereto, such ranges and galleries to be open, as far as practicable, to the National Guard and organized rifle clubs under regulations to be prescribed by the Secretary of War. [35 Stat. L. 747.]

[*Quartermaster's Department — disbursements in case of insufficient balances.*] * * * Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Quartermaster's Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been apportioned by the Quartermaster-General for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury. [35 Stat. L. 747.]

[*Hospital at Hot Springs — patients subject to army rules.*] That hereafter all persons admitted to treatment in the Army and Navy General Hospital at Hot Springs, Arkansas, shall, while patients in said hospital, be sub-

ject to the rules and articles for the government of the armies of the United States; [35 Stat. L. 748.]

[*Ordnance Department — disbursements in case of insufficient balances.*]

* * * Hereafter whenever pressing obligations are required to be paid by a disbursing officer of the Ordnance Department and there is an insufficient balance to his official credit under the proper appropriation or appropriations for the purpose, he is authorized to make payment from the total available balance to his official credit, provided sufficient funds under the proper appropriation or appropriations have been allotted by the Chief of Ordnance for the expenditure. When such disbursements are made the accounts of the disbursing officer shall show the charging of the proper appropriations, the balances under which will be adjusted by the disbursing officer on receipt of funds or by the accounting officers of the Treasury. [35 Stat. L. 750.]

[*Ordnance Department — officers serving by detail — rank.*] * * *

Hereafter officers serving by detail in the Ordnance Department, under the Acts of February second, nineteen hundred and one, and June twenty-fifth, nineteen hundred and six, shall take rank in their respective grades from the dates of their rank under their original detail in said grades. [35 Stat. L. 751.]

[*Sale of ordnance property, etc.*] * * * Articles of ordnance property may be sold by the Chief of Ordnance to officers of the Navy and Marine Corps, for their use in the public service, in the same manner as these articles are now sold to officers of the army. [35 Stat. L. 751.]

WATERS (INCLUDING IRRIGATION).

Act of June 12, 1906, Ch. 3288.

Reclamation Act — Provisions Extended to Texas.

Act of Feb. 27, 1907, Ch. 2077.

California Débris Commission — Favorable Decisions within Thirty Days — Order Directing Methods of Mining, etc. — Taxes on Gross Proceeds — Expenses — Hydraulic Mining Without Impounding Works, etc. — No Tax on Gross Proceeds to Be Collected.

CROSS-REFERENCES.

See also *PUBLIC LANDS; RIVERS, HARBORS, AND CANALS.*

An Act To extend the irrigation Act to the State of Texas.

[Act of June 12, 1906, ch. 3288, 34 Stat. L. 259.]

[*Reclamation Act — provisions extended to Texas.*] That the provisions of the Act entitled "An Act appropriating the receipts from the sale and disposal of public lands in certain States and Territories to the construction of irrigation works for the reclamation of arid lands," approved June seventeenth, nineteen hundred and two, be, and the same are hereby, extended so as to include and apply to the State of Texas. [34 Stat. L. 259.]

The Reclamation Act of June 17, 1902, is given in 7 Fed. Stat. Annot. 1098.

An Act To amend section thirteen of an Act of March first, eighteen hundred and ninety-three, entitled "An Act to create the California Débris Commission and regulate hydraulic mining in the State of California."

[Act of Feb. 27, 1907, ch. 2077, 34 Stat. L. 1001.]

[*California Débris Commission — favorable decisions within thirty days — order directing methods of mining, etc. — taxes on gross proceeds — expenses — hydraulic mining without impounding works, etc. — no tax on gross proceeds to be collected.*] That section thirteen of an Act of March first, eighteen hundred and ninety-three, entitled "An Act to create the California Débris Commission and regulate mining in the State of California," is hereby amended so as to read as follows:

"Sec. 13. That in case a majority of the members of said Commission, within thirty days after the time so fixed, concur in the decision in favor of the petitioner or petitioners, the said Commission shall thereupon make an order directing the methods and specifying in detail the manner in which operations shall proceed in such mine or mines; what restraining or impounding works, if any, if facilities therefor can be found, shall be built and maintained; how and of what material; where to be located; and in general set forth such further requirements and safeguards as will protect the public interest and prevent injury to the said navigable rivers and the lands adjacent thereto, with such

further conditions and limitations as will observe all the provisions of this Act in relation to the working thereof and the payment of taxes on the gross proceeds of the same: *Provided*, That all expense incurred in complying with said order shall be borne by the owner or owners of such mine or mines: *And provided further*, That where it shall appear to said Commission that hydraulic mining may be carried on without injury to the navigation of said navigable rivers and the lands adjacent thereto, an order may be made authorizing such mining to be carried on without requiring the construction of any restraining or impounding works or any settling reservoirs: *And provided also*, That where such an order is made a license to mine, no taxes provided for herein on the gross proceeds of such mining operations shall be collected." [34 Stat. L. 1001.]

For the Act of March 1, 1893, sec. 13, above amended, see 5 Fed. Stat. Annot. 64.

WEATHER.

Act of March 4, 1907, Ch. 2907.

*Employees of Weather Bureau — Leaves of Absence.
Sale of Maps and Publications.*

[SEC. 1.] [*Employees of Weather Bureau — leaves of absence.*] * * * and the employees of the Weather Bureau outside of the city of Washington, may hereafter, in the discretion of the Secretary of Agriculture, without additional expense to the Government, be granted leave of absence not to exceed fifteen days in any one year, which leave may in exceptional and meritorious cases where such an employee is ill, be extended in the discretion of the Secretary of Agriculture, not to exceed fifteen days additional in any one year; [34 Stat. L. 1258.]

This and the following paragraph are from the Agricultural Department Appropriation Act of March 4, 1907, ch. 2907.

[*Sale of maps and publications.*] * * * and hereafter the Secretary of Agriculture is authorized to sell any surplus maps or publications of the Weather Bureau, and the money received from such sales shall be deposited in the Treasury of the United States, section two hundred and twenty-seven of the Revised Statutes notwithstanding; [34 Stat. L. 1258.]

For R. S. sec. 227, see 6 Fed. Stat. Annot. 153.

WITNESSES.

Act of June 29, 1906, Ch. 3608, 708.

United States Courts — Witnesses in Civil Cases, etc. — Competency of — R. S. Section 858 Amended, 708.

Act of June 30, 1906, Ch. 3920, 708.

Witnesses — Immunity of, in Anti-trust, etc., Cases — Limit to Natural Persons, 708.

Act of May 27, 1908, Ch. 200, 709.

Sec. 1. Double Mileage Fees Prohibited, 709.

An Act To amend section eight hundred and fifty-eight of the Revised Statutes of the United States.

[Act of June 29, 1906, ch. 3608, 34 Stat. L. 618.]

[United States courts — witnesses in civil cases, etc. — competency of — R. S. sec. 858 amended.] That section eight hundred and fifty-eight of the Revised Statutes of the United States be, and the same is hereby, amended so as to read as follows:

“Sec. 858. The competency of a witness to testify in any civil action, suit, or proceeding in the courts of the United States shall be determined by the laws of the State or Territory in which the court is held.” **[34 Stat. L. 618.]**

For R. S. sec. 858, see 7 Fed. Stat. Annot. 1116.

An Act Defining the right of immunity of witnesses under the Act entitled “An Act in relation to testimony before the Interstate Commerce Commission,” and so forth, approved February eleventh, eighteen hundred and ninety-three, and an Act entitled “An Act to establish the Department of Commerce and Labor,” approved February fourteenth, nineteen hundred and three, and an Act entitled “An Act to further regulate commerce with foreign nations and among the States,” approved February nineteenth, nineteen hundred and three, and an Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and four, and for other purposes,” approved February twenty-fifth, nineteen hundred and three.

[Act of June 30, 1906, ch. 3920, 34 Stat. L. 708.]

[Witnesses — immunity of in anti-trust, etc., cases — limit to natural persons.] That under the immunity provisions in the Act entitled “An Act in relation to testimony before the Interstate Commerce Commission,” and so forth, approved February eleventh, eighteen hundred and ninety-three, in section six of the Act entitled “An Act to establish the Department of Commerce and Labor,” approved February fourteenth, nineteen hundred and three, and in the Act entitled “An Act to further regulate commerce with foreign nations and among the States,” approved February nineteenth, nineteen hundred and three, and in the Act entitled “An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending

June thirtieth, nineteen hundred and four, and for other purposes," approved February twenty-fifth, nineteen hundred and three, immunity shall extend only to a natural person who, in obedience to a subpoena, gives testimony under oath or produces evidence, documentary or otherwise, under oath. [34 Stat. L. 798.]

[SEC. 1.] [*Double mileage fees prohibited.*] * * * That no constructive or double mileage fees shall be allowed by reason of any person being summoned as both a witness and juror, or as a witness in two or more cases pending in the same court and triable at the same term thereof. [35 Stat. L. 377.]

This is from Sundry Civil Appropriation Act of May 27, 1908, ch. 200.

WRECKS AND WRECKERS.

Act of May 12, 1906, Ch. 2454.

Removal of Derelicts — Revenue Cutter Authorized for — Limit of Cost.

CROSS-REFERENCE.

Registry of Repaired Wrecks, see SHIPPING AND NAVIGATION.

An Act To provide for the removal of derelicts and other floating dangers to navigation.

[Act of May 12, 1906, ch. 2454, 34 Stat. L. 190.]

[Removal of derelicts — revenue cutter authorized for — limit of cost.]
That the Secretary of the Treasury is hereby authorized to have constructed, at a cost not to exceed two hundred and fifty thousand dollars, a steam vessel specially fitted for and adapted to service at sea in bad weather, for the purpose of blowing up or otherwise destroying or towing into port wrecks, derelicts, and other floating dangers to navigation, said vessel to be operated and maintained by the Revenue-Cutter Service under such regulations as the Secretary of the Treasury may prescribe. *[34 Stat. L. 190.]*

YACHTS.

Act of May 28, 1908, Ch. 212.

Sec. 5. Reciprocal Exemption of Foreign Yachts from Tonnage, etc., Fees.

6. R. S. Sec. 4216 Repealed.

CROSS-REFERENCE.

Taxation of foreign built yachts, see the Tariff Act of Aug. 5, 1909, given in the Appendix to this volume.

SEC. 5. [*Reciprocal exemption of foreign yachts from tonnage, etc., fees.*] That whenever it shall be made to appear to the satisfaction of the President of the United States that yachts belonging to any regularly organized yacht club of the United States are allowed to arrive at and depart from any foreign port and to cruise in the waters of such port without entering or clearing at the custom-house thereof and without the payment of any charges for entering or clearing, dues, duty per ton, tonnage taxes or charges for cruising licenses, the Secretary of Commerce and Labor may authorize and direct the customs authorities at the various ports and subports of entry of the United States to allow yachts from such foreign port belonging to any regularly organized yacht club thereof to arrive at and depart from any port or subport of the United States and to cruise in waters of the United States without the payment of any charges for entering or clearing, dues, duty per ton, or tonnage taxes, but the Secretary of Commerce and Labor may, in his discretion, direct that such foreign yachts shall be required to obtain licenses to cruise, in a form prescribed by him, before they shall be allowed under the provisions of this Act to cruise in waters of the United States. Such licenses shall be issued without cost to such yachts and shall prescribe such limitations as to length of time, direction, and place of cruising and action, and such other particulars as the Secretary of Commerce and Labor may deem proper: *Provided*, That the privileges of this section shall not extend to any yacht built outside of the United States and owned, chartered, or used by a citizen of the United States unless such ownership or charter was acquired prior to February fifth, eighteen hundred and ninety-seven. [35 Stat. L. 425.]

This and sec. 6 following are from the Act of May 28, 1908, ch. 212, "to amend the laws relating to navigation and for other purposes."

For the other sections of the Act, see the title SHIPPING AND NAVIGATION.

SEC. 6. [*R. S. sec. 4216 repealed.*] That section forty-two hundred and sixteen of the Revised Statutes is hereby repealed. [35 Stat. L. 426.]

See note under sec. 5, *supra*.

For R. S. sec. 4216, hereby repealed, see 7 Fed. Stat. Annot. 1134.

YELLOW FEVER.

See *HEALTH AND QUARANTINE*.

APPENDIX

*CONTAINING THE ACTS OF A GENERAL AND PERMANENT
NATURE PASSED AT THE SPECIAL SESSION OF THE
SIXTY-FIRST CONGRESS, BEGUN ON THE FIF-
TEENTH DAY OF MARCH, 1909, AND
CONCLUDED ON THE FIFTH
DAY OF AUGUST, 1909.*

APPENDIX.

- Act of July 2, 1909** — THE THIRTEENTH AND SUBSEQUENT CENSUSES, 715.
Act of July 2, 1909 — SCRANTON, MISS., A SUBPORT OF ENTRY, 725.
Act of July 15, 1909 — APPROPRIATIONS FOR SUPPORT OF GOVERNMENT OF PORTO RICO, 725.
Act of Aug. 5, 1909 — THE TARIFF — NATIONAL REVENUES — COURT OF CUSTOMS APPEALS — SPECIAL EXCISE TAX ON CORPORATE INCOMES, 726.
Act of Aug. 5, 1909 — COMPENSATION OF OFFICERS AND EMPLOYEES OF NATIONAL WATERWAYS COMMISSION, 836.
Act of Aug. 5, 1909 — REVENUE FOR THE PHILIPPINE ISLANDS, 837.
Act of Aug. 5, 1909 — ALBANY DIVISION OF SOUTHERN DISTRICT OF GEORGIA, 885.

THE THIRTEENTH AND SUBSEQUENT CENSUSES.

Act of July 2, 1909.

AN ACT TO PROVIDE FOR THE THIRTEENTH AND SUBSEQUENT DECENNIAL CENSUSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That a census of the population, agriculture, manufactures, and mines and quarries of the United States shall be taken by the Director of the Census in the year nineteen hundred and ten and every ten years thereafter. The census herein provided for shall include each State and Territory on the mainland of the United States, the District of Columbia, and Alaska, Hawaii, and Porto Rico.

SEC. 2. That the period of three years beginning the first day of July next preceding the census provided for in section one of this Act shall be known as the decennial census period, and the reports upon the inquiries provided for in said section shall be completed and published within such period.

SEC. 3. That after June thirtieth, nineteen hundred and nine, and during the decennial census period only, there may be employed in the Census Office, in addition to the force provided for by the Act of March sixth, nineteen hundred and two, entitled "An Act to provide for a permanent Census Office," an Assistant Director, who shall be an experienced practical statistician; a geographer, a chief statistician, who shall be a person of known and tried experience in statistical work, an appointment clerk, a private secretary to the Director, two stenographers, and eight expert chiefs of division. These officers, with the exception of the Assistant Director, shall be appointed without examination by the Secretary of Commerce and Labor upon the recommendation of the Director of the Census. The Assistant Director shall be appointed by the President, by and with the advice and consent of the Senate.

SEC. 4. That the Assistant Director shall perform such duties as may be prescribed by the Director of the Census. In the absence of the Director the Assistant Director shall serve as Director, and in the absence of the Director and Assistant Director the chief clerk shall serve as Director.

The appointment clerk shall perform the appointment duties assigned to the disbursing clerk in section four of the Act entitled "An Act to provide for a permanent Census Office," approved March sixth, nineteen hundred and two. The disbursing clerk of the Census Office shall, at the beginning of the decennial census period, give additional bond to the Secretary of the Treasury in the sum of one hundred thousand dollars, surety to be approved by the Solicitor of the Treasury, which bond shall be conditioned that the said officer shall render, quarter yearly, a true and faithful account to the proper accounting officers of the Treasury of all moneys and properties which shall be received by him by virtue of his office during the said decennial census period. Such bond shall be filed in the office of the Secretary of the Treasury, to be by him put in suit upon any breach of the conditions thereof.

SEC. 5. That during the decennial census period the annual compensation of the officials of the Census Office shall be as follows: The Director of the Census, seven thousand dollars; the private secretary to the Director, two thousand two hundred and fifty dollars; the Assistant Director, five thousand dollars; the chief statisticians, three thousand dollars each; the chief clerk, two thousand five hundred dollars; the disbursing clerk, two thousand eight hundred and seventy-five dollars; the appointment clerk, two thousand five hundred dollars; the geographer, two thousand five hundred dollars; the chiefs of division, two thousand dollars each; and the stenographers provided for in section three of this Act, one thousand eight hundred dollars each.

SEC. 6. That in addition to the force hereinbefore provided for and to that already authorized by law there may be employed in the Census Office during the decennial census period, and no longer, as many clerks of classes four, three, two, and one; as many clerks, copyists, computers, and skilled laborers, with salaries at the rate of not less than six hundred dollars nor more than one thousand dollars per annum, and as many messengers, assistant messengers, messenger boys, watchmen, unskilled laborers, and charwomen, as may be found necessary for the proper and prompt performance of the duties herein required, these additional clerks and employees to be appointed by the Director of the Census: *Provided*, That the total number of such additional clerks of classes two, three, and four shall at no time exceed one hundred: *And provided further*, That employees engaged in the compilation or tabulation of statistics by the use of mechanical devices may be compensated on a piece-price basis to be fixed by the Director.

SEC. 7. That the additional clerks and other employees provided for in section six shall be subject to such special test examination as the Director of the Census may prescribe, the said examination to be conducted by the United States Civil Service Commission, the examination to be open to all applicants without regard to political party affiliations, and such examination shall be held at such places in each State as may be designated by the Civil Service Commission. Copies of the eligible registers so established and the examination papers of all eligibles shall be furnished the Director of the Census by the Civil Service Commission, and selections therefrom shall be made by the Director of the Census, in conformity with the law of apportionment as now provided for the classified service, in the order of rating: *Provided*, That here-

after all examinations of applicants for positions in the government service, from any State or Territory, shall be had in the State or Territory in which such applicant resides, and no person shall be eligible for such examination or appointment unless he or she shall have been actually domiciled in such State or Territory for at least one year previous to such examination: *Provided, however,* That no person afflicted with tuberculosis shall be appointed and that each applicant for appointment shall accompany his or her application with a certificate of health from some reputable physician: *Provided, however,* That in no instance shall more than one person be appointed from the same family: *Provided, however,* That when the exigencies of the service require, the Director may appoint for temporary employment not exceeding sixty days' duration from the aforesaid list of eligibles those who, by reason of residence or other conditions, are immediately available; and may also appoint for not exceeding sixty days' duration, persons having had previous experience in operating mechanical appliances in census work whose efficiency records in operating such appliances are satisfactory to him, and may accept such records in lieu of the civil service examination: *And provided further,* That employees in other branches of the departmental classified service who have had previous experience in census work may be transferred without examination to the Census Office to serve during the whole or a part of the decennial census period, and at the end of such service the employees so transferred, shall be eligible to appointment to positions in any Department held by them at date of transfer to the Census Office, without examination: *And provided further,* That during the decennial census period and no longer the Director of the Census may fill vacancies in the permanent force of the Census Office by the promotion or transfer of clerks or other employees employed on the temporary force authorized by section six of this Act: *And provided further,* That at the expiration of the decennial census period the term of service of all employees so transferred and of all other temporary officers and employees appointed under the provisions of this Act shall terminate, and such officers and employees shall not be eligible to appointment or transfer into the classified service of the Government by virtue of their examination or appointment under this Act.

SEC. 8. That the Thirteenth Census shall be restricted to inquiries relating to population, to agriculture, to manufactures, and to mines and quarries. The schedules relating to population shall include for each inhabitant the name, relationship to head of family, color, sex, age, conjugal condition, place of birth, place of birth of parents, number of years in the United States, citizenship, occupation, whether or not employer or employee, and, if employee, whether or not employed at the date of enumeration and the number of months unemployed during the preceding calendar year, whether or not engaged in agriculture, school attendance, literacy, and tenure of home and whether or not a survivor of the Union or Confederate Army or Navy; and the name and address of each blind or deaf and dumb person; and for the enumeration of institutions, shall include paupers, prisoners, juvenile delinquents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions.

The schedules relating to agriculture shall include name, color and country of birth of occupant of each farm, tenure, acreage of farm, acreage of woodland and character of timber thereon, value of farm and improvements, value of farm implements, number and value of live stock on farms and ranges, number and value of domestic animals not on farms and ranges, and the acreage of crops planted and to be planted during the year of enumeration, and the acreage of crops and the quantity and value of crops and other farm products for the year ending December thirty-first next preceding the enumeration.

The schedules of inquiries relating to manufactures and to mines and quarries shall include the name and location of each establishment; character of organization, whether individual, cooperative, or other form; character of business or kind of goods manufactured; amount of capital actually invested; number of proprietors, firm members, copartners, stockholders, and officers and the amount of their salaries; number of employees and the amount of their wages; quantity and cost of materials used in manufactures; amount of miscellaneous expenses; quantity and value of products; time in operation during the census year; character and quantity of power used, and character and number of machines employed.

The census of manufactures and of mines and quarries shall relate to the year ending December thirty-first next preceding the enumeration of population and shall be confined to mines and quarries and manufacturing establishments which were in active operation during all or a portion of that year. The census of manufactures shall furthermore be confined to manufacturing establishments conducted under what is known as the factory system, exclusive of the so-called neighborhood household and hand industries.

The inquiry concerning manufactures shall cover the production of turpentine and rosin and the report concerning this industry shall show in addition to the other facts covered by the regular schedule of manufactures, the quantity and quality of turpentine and rosin manufactured and marketed, the sources, methods, and extent of the industry.

Whenever he shall deem it expedient, the Director of the Census may charge the collection of these statistics upon special agents or upon detailed employees, to be employed without respect to locality.

The form and subdivision of inquiries necessary to secure the information under the foregoing topics shall be determined by the Director of the Census.

SEC. 9. That the Director of the Census shall, at least six months prior to the date fixed for commencing the enumeration at the Thirteenth and each succeeding decennial census, designate the number, whether one or more, of supervisors of census for each State and Territory, the District of Columbia, Alaska, and Porto Rico, and shall define the districts within which they are to act; except that the Director of the Census, in his discretion, need not designate supervisors for Alaska and the Territory of Hawaii, but in lieu thereof may employ special agents as hereinafter provided. The supervisors shall be appointed by the President, by and with the advice and consent of the Senate: *Provided*, That the whole number of supervisors shall not exceed three hundred and thirty: *And provided further*, That so far as practicable and desirable the boundaries of the supervisors' districts shall conform to the boundaries of the congressional districts: *And provided further*, That if in any supervisor's district the supervisor has not been appointed and qualified ninety days preceding the date fixed for the commencement of the enumeration, or if any vacancy shall occur thereafter, either through death, removal, or resignation of the supervisor, or from any other cause, the Director of the Census may appoint a temporary supervisor or detail an employee of the Census Office to act as supervisor for that district.

SEC. 10. That each supervisor of census shall be charged with the performance, within his own district, of the following duties: To consult with the Director of the Census in regard to the division of his district into subdivisions most convenient for the purpose of the enumeration, which subdivisions or enumeration districts shall be defined and the boundaries thereof fixed by the Director of the Census; to designate to the Director suitable per-

sons, and, with his consent, to employ such persons as enumerators, one or more for each subdivision; to communicate to enumerators the necessary instructions and directions relating to their duties; to examine and scrutinize the returns of the enumerators, and in the event of discrepancies or deficiencies appearing in any of the said returns to use all diligence in causing the same to be corrected or supplied; to forward the completed returns of the enumerators to the Director at such time and in such manner as shall be prescribed, and to make up and forward to the Director the accounts of each enumerator in his district for services rendered, which accounts shall be duly certified to by the enumerator, and the same shall be certified as true and correct, if so found, by the supervisor, and said accounts so certified shall be accepted and paid by the Director. The duties imposed upon the supervisor by this Act shall be performed in any and all particulars in accordance with the orders and instructions of the Director of the Census.

SEC. 11. That each supervisor of the census shall, upon the completion of his duties to the satisfaction of the Director of the Census, receive the sum of one thousand five hundred dollars and, in addition thereto, one dollar for each thousand or majority fraction of a thousand of population enumerated in his district, such sums to be in full compensation for all services rendered and expenses incurred by him: *Provided*, That of the above-named compensation a sum not to exceed six hundred dollars, in the discretion of the Director of the Census, may be paid to any supervisor prior to the completion of his duties in one or more payments, as the Director of the Census may determine: *Provided further*, That in emergencies arising in connection with the work of preparation for, or during the progress of, the enumeration in his district, or in connection with the reenumeration of any subdivision, a supervisor may, in the discretion of the Director of the Census, be allowed actual and necessary traveling expenses and an allowance in lieu of subsistence not exceeding four dollars per day during his necessary absence from his usual place of residence: *And provided further*, That an appropriate allowance to supervisors for clerk hire may be made when deemed necessary by the Director of the Census.

SEC. 12. That each enumerator shall be charged with the collection in his subdivision of the facts and statistics required by the population and agricultural schedules and such other schedules as the Director of the Census may determine shall be used by him in connection with the census, as provided in section eight of this Act. It shall be the duty of each enumerator to visit personally each dwelling house in his subdivision, and each family therein, and each individual living out of a family in any place of abode, and by inquiry made of the head of each family, or of the member thereof deemed most competent and trustworthy, or of such individual living out of a family, to obtain each and every item of information and all particulars required by this Act as of date April fifteenth of the year in which the enumeration shall be made; and in case no person shall be found at the usual place of abode of such family, or individual living out of a family, competent to answer the inquiries made in compliance with the requirements of this Act, then it shall be lawful for the enumerator to obtain the required information as nearly as may be practicable from families or persons living in the neighborhood of such place of abode. It shall be the duty also of each enumerator to forward the original schedules, properly filled out and duly certified, to the supervisor of his district as his returns under the provisions of this Act; and in the event of discrepancies or deficiencies being discovered in these schedules he shall use all diligence in correcting or supplying the same. In case an enumeration district embraces

all or any part of any incorporated borough, village, town, or city, and also other territory not included within the limits of such incorporated borough, village, town, or city, it shall be the duty of the enumerator to clearly and plainly distinguish and separate, upon the population schedules, the inhabitants of such borough, village, town, or city from the inhabitants of the territory not included therein. No enumerator shall be deemed qualified to enter upon his duties until he has received from the supervisor of the district to which he belongs a commission, signed by the supervisor, authorizing him to perform the duties of an enumerator, and setting forth the boundaries of the subdivision within which such duties are to be performed.

SEC. 13. That the territory assigned to each supervisor shall be divided into as many enumeration districts as may be necessary to carry out the purposes of this Act, and, in the discretion of the Director of the Census, two or more enumeration districts may be given to one enumerator, and the boundaries of all the enumeration districts shall be clearly described by civil divisions, rivers, roads, public surveys, or other easily distinguishable lines: *Provided*, That enumerators may be assigned for the special enumeration of institutions, when desirable, without reference to the number of inmates.

SEC. 14. That any supervisor of census may, with the approval of the Director of the Census, remove any enumerator in his district and fill the vacancy thus caused or otherwise occurring. Whenever it shall appear that any portion of the census provided for in this Act has been negligently or improperly taken, and is by reason thereof incomplete or erroneous, the director of the Census may cause such incomplete and unsatisfactory enumeration and census to be amended or made anew.

SEC. 15. That the Director of the Census may authorize and direct supervisors of census to employ interpreters to assist the enumerators of their respective districts in the enumeration of persons not speaking the English language, but no authorization shall be given for such employment in any district until due and proper effort has been made to secure an enumerator who can speak the language or languages for which the services of an interpreter would otherwise be required. The compensation of such interpreters shall be fixed by the Director of the Census in advance, and shall not exceed five dollars per day for each day actually and necessarily employed.

SEC. 16. That the compensation of enumerators shall be determined by the Director of the Census as follows: In subdivisions where he shall deem such remuneration sufficient, an allowance of not less than two nor more than four cents for each inhabitant; not less than twenty nor more than thirty cents for each farm reported; ten cents for each barn and inclosure containing live stock not on farms, and not less than twenty nor more than thirty cents for each establishment of productive industry reported. In other subdivisions the Director of the Census may fix a mixed rate of not less than one nor more than two dollars per day and, in addition, an allowance of not less than one nor more than three cents for each inhabitant enumerated, and not less than fifteen nor more than twenty cents for each farm and each establishment of productive industry reported. In other subdivisions per diem rates shall be fixed by the Director according to the difficulty of enumeration, having special reference to the regions to be canvassed and the sparsity of settlement or other considerations pertinent thereto. The compensation allowed to an enumerator in any such district shall be not less than three nor more than six dollars per day of

eight hours actual field work, and no payment shall be made for time in excess of eight hours for any one day. The subdivisions or enumeration districts to which the several rates of compensation shall apply shall be designated by the Director of the Census at least two weeks in advance of the enumeration. No claim for mileage or traveling expenses shall be allowed any enumerator in either class of subdivisions, except in extreme cases, and then only when authority has been previously granted by the Director of the Census; and the decision of the Director as to the amount due any enumerator shall be final.

SEC. 17. That in the event of the death of any supervisor or enumerator after his appointment and entrance on his duties, the Director of the Census is authorized to pay to his widow or his legal representatives such sums as he may deem just and fair for the services rendered by such supervisor or enumerator.

SEC. 18. That special agents may be appointed by the Director of the Census to carry out the provisions of this Act and of the Act to provide for a permanent Census Office approved March sixth, nineteen hundred and two, and Acts amendatory thereof or supplementary thereto. The special agents thus appointed shall have like authority with the enumerators in respect to the subjects committed to them under this Act, and shall receive compensation at rates to be fixed by the Director of the Census: *Provided*, That the same shall in no case exceed six dollars per day and actual necessary traveling expenses, and an allowance in lieu of subsistence not exceeding three dollars per day during necessary absence from their usual place of residence: *Provided further*, That no pay or allowance in lieu of subsistence shall be allowed special agents when employed in the Census Office on other than the special work committed to them, and no appointments of special agents shall be made for clerical work: *And provided further*, That the Director of the Census shall have power, and is hereby authorized, to appoint special agents to assist the supervisors whenever he may deem it proper, in connection with the work of preparation for, or during the progress of, the enumeration or in connection with the reenumeration of any district or a part thereof; or he may, in his discretion, employ for this purpose any of the permanent or temporary employees of the Census Office: *And provided further*, That the Director of the Census may, in his discretion, fix the compensation of special agents on a piece-price basis.

SEC. 19. That every supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee shall take and subscribe to an oath or affirmation, to be prescribed by the Director of the Census. All appointees and employees provided for in this Act shall be appointed or employed, and examined, if examination is required by this Act, solely with reference to their fitness to perform the duties required of them by the provisions of this Act, and without reference to their political party affiliations.

SEC. 20. That the enumeration of the population required by section one of this Act shall be taken as of the fifteenth day of April; and it shall be the duty of each enumerator to commence the enumeration of his district on that day, unless the Director of the Census in his discretion shall defer the enumeration in said district by reason of climatic or other conditions which would materially interfere with the proper conduct of the work; but in any event it shall be the duty of each enumerator to prepare the returns hereinbefore required to be made, except those relating to paupers, prisoners, juvenile delin-

quents, insane, feeble-minded, blind, deaf and dumb, and inmates of benevolent institutions, and to forward the same to the supervisor of his district, within thirty days from the commencement of the enumeration of his district: *Provided*, That in any city having five thousand inhabitants or more under the preceding census the enumeration of the population shall be commenced on the fifteenth day of April aforesaid and shall be completed within two weeks thereafter.

SEC. 21. That if any person shall receive or secure to himself any fee, reward, or compensation as a consideration for the appointment or employment of any person as supervisor, enumerator or clerk or other employee, or shall in any way receive or secure to himself any part of the compensation paid to any supervisor, enumerator or clerk or other employee, he shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not more than three thousand dollars and be imprisoned not more than five years.

SEC. 22. That any supervisor, supervisor's clerk, enumerator, interpreter, special agent, or other employee, who, having taken and subscribed the oath of office required by this Act, shall, without justifiable cause, neglect or refuse to perform the duties enjoined on him by this Act, shall be deemed guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars; or if he shall, without the authority of the Director of the Census, publish or communicate any information coming into his possession by reason of his employment under the provisions of this Act, or the Act to provide for a permanent Census Office, or Acts amendatory thereof or supplemental thereto, he shall be guilty of a misdemeanor and shall upon conviction thereof be fined not to exceed one thousand dollars, or be imprisoned not to exceed two years, or both so fined and imprisoned, in the discretion of the court; or if he shall willfully and knowingly swear to or affirm falsely, he shall be deemed guilty of perjury, and upon conviction thereof shall be imprisoned not exceeding five years and be fined not exceeding two thousand dollars; or if he shall willfully and knowingly make a false certificate or a fictitious return, he shall be guilty of a misdemeanor, and upon conviction of either of the last-named offenses he shall be fined not exceeding two thousand dollars and be imprisoned not exceeding five years; or if any person who is or has been an enumerator shall knowingly or willfully furnish, or cause to be furnished, directly or indirectly, to the Director of the Census, or to any supervisor of the census, any false statement or false information with reference to any inquiry for which he was authorized and required to collect information, he shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding two thousand dollars and be imprisoned not exceeding five years.

SEC. 23. That it shall be the duty of all persons over twenty-one years of age when requested by the Director of the Census, or by any supervisor, enumerator, or special agent, or other employee of the Census Office, acting under the instructions of the said Director, to answer correctly, to the best of their knowledge, all questions on the census schedules applying to themselves and to the family to which they belong or are related, and to the farm or farms of which they or their families are the occupants; and any person over twenty-one years of age who, under the conditions hereinbefore stated, shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding one hundred dollars.

And it shall be the duty of every owner, proprietor, manager, superintend-

ent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building, when requested by the Director of the Census, or by any supervisor, enumerator, special agent, or other employee of the Census Office, acting under the instructions of the said Director, to furnish the names of the occupants of said hotel, apartment house, boarding or lodging house, tenement, or other building, and to give thereto free ingress and egress to any duly accredited representative of the Census Office, so as to permit of the collection of statistics for census purposes including the proper and correct enumeration of all persons having their usual place of abode in said hotel, apartment house, boarding or lodging house, tenement, or other building; and any owner, proprietor, manager, superintendent, or agent of a hotel, apartment house, boarding or lodging house, tenement, or other building who shall refuse or willfully neglect to give such information or assistance under the conditions hereinbefore stated shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding five hundred dollars.

SEC. 24. And it shall be the duty of every owner, president, treasurer, secretary, director, or other officer or agent of any manufacturing establishment, mine, quarry, or other establishment of productive industry, whether conducted as a corporation, firm, limited liability company, or by private individuals, when requested by the Director of the Census or by any supervisor, enumerator, special agent, or other employee of the Census Office acting under the instructions of the said Director, to answer completely and correctly to the best of his knowledge all questions on any census schedule applying to such establishment; and any owner, president, secretary, director, or other officer or agent of any manufacturing establishment, mine, quarry, or other establishment of productive industry, who under the conditions hereinbefore stated shall refuse or willfully neglect to answer any of these questions, or shall willfully give answers that are false, shall be guilty of a misdemeanor, and upon conviction thereof shall be fined not exceeding ten thousand dollars, or imprisoned for a period not exceeding one year, or both so fined and imprisoned, at the discretion of the court. The provisions of this section shall also apply to the collection of the information required and authorized by the Act entitled "An Act to provide for a permanent Census Office," and by Acts amendatory thereof or supplemental thereto.

SEC. 25. That the information furnished under the provisions of the next preceding section shall be used only for the statistical purposes for which it is supplied. No publication shall be made by the Census Office whereby the data furnished by any particular establishment can be identified, nor shall the Director of the Census permit anyone other than the sworn employees of the Census Office to examine the individual reports.

SEC. 26. That all fines and penalties imposed by this Act may be enforced by indictment or information in any court of competent jurisdiction.

SEC. 27. That the Director of the Census may authorize the expenditure of necessary sums for the actual and necessary traveling expenses of the officers and employees of the Census Office, including an allowance in lieu of subsistence not exceeding four dollars per day during their necessary absence from the Census Office, or, instead of such an allowance, their actual subsistence expenses, not exceeding five dollars per day; and he may authorize the incidental, miscellaneous, and contingent expenses necessary for the carrying out of this Act, as herein provided, and not otherwise, including advertising in newspapers, the purchase of manuscripts, books of reference and periodicals, the

rental of sufficient quarters in the District of Columbia or elsewhere and the furnishing thereof, and expenditures necessary for the compiling, printing, publishing, and distributing the results of the census, and purchase of necessary paper and other supplies, the purchase, rental, construction, and repair of mechanical appliances, the compensation of such permanent and temporary clerks as may be employed under the provisions of this Act and the Act establishing the permanent Census Office and Acts amendatory thereof or supplemental thereto, and all other expenses incurred under authority conveyed in this Act.

SEC. 28. That the Director of the Census is hereby authorized to make requisition upon the Public Printer for such printing as may be necessary to carry out the provisions of this Act, to wit: Blanks, schedules, circulars, pamphlets, envelopes, work sheets, and other items of miscellaneous printing; that he is further authorized to have printed by the Public Printer, in such editions as the Director may deem necessary, preliminary and other Census bulletins, and final reports of the results of the several investigations authorized by this Act, or by the Act to establish a permanent Census Office and Acts amendatory thereof or supplemental thereto, and to publish and distribute said bulletins and reports.

SEC. 29. That all mail matter, of whatever class, relating to the census and addressed to the Census Office, or to any official thereof, and indorsed "Official business, Census Office," shall be transmitted free of postage, and by registered mail if necessary, and so marked: *Provided*, That if any person shall make use of such indorsement to avoid the payment of postage or registry fee on his or her private letter, package, or other matter in the mail, the person so offending shall be guilty of a misdemeanor and subject to a fine of three hundred dollars, to be prosecuted in any court of competent jurisdiction.

SEC. 30. That the Secretary of Commerce and Labor, whenever he may deem it advisable, or on request of the Director of the Census, is hereby authorized to call upon any other department or office of the Government for information pertinent to the work herein provided for.

SEC. 31. That there shall be in the year nineteen hundred and fifteen, and once every ten years thereafter, a census of agriculture and live stock, which shall show the acreage of farm land, the acreage of the principal crops, and the number and value of domestic animals on the farms and ranges of the country. The schedule employed in this census shall be prepared by the Director of the Census. Such census shall be taken as of October first, and shall relate to the current year. The Director of the Census may appoint enumerators or special agents for the purpose of this census, in accordance with the provisions of the permanent Census Act.

SEC. 32. That the Director of the Census is hereby authorized, at his discretion, upon the written request of the governor of any State or Territory, or of a court of record, to furnish such governor or court of record with certified copies of so much of the population or agricultural returns as may be requested, upon the payment of the actual cost of making such copies, and one dollar additional for certification; and that the Director of the Census is further authorized, in his discretion, to furnish to individuals such data from the population schedules as may be desired for genealogical or other proper purposes, upon payment of the actual cost of searching the records and one dollar for supplying a certificate; and the amounts so received shall be covered into

the Treasury of the United States, to be placed to the credit of, and in addition to, the appropriations made for taking the census.

SEC. 33. That the Act establishing the permanent Census Office, approved March sixth, nineteen hundred and two, and Acts amendatory thereof and supplemental thereto, except as are herein amended, shall remain in full force. That the Act entitled "An Act to provide for taking the Twelfth and subsequent censuses," approved March third, eighteen hundred and ninety-nine, and all other laws and parts of laws inconsistent with the provisions of this Act are hereby repealed.

Approved, July 2, 1909.

SCRANTON, MISS., A SUBPORT OF ENTRY.

Act of July 2, 1909.

AN ACT TO MAKE SCRANTON, IN THE STATE OF MISSISSIPPI, A SUBPORT OF ENTRY, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Scranton, in the State of Mississippi, is hereby made a subport of entry in the district of Pearl River, and the necessary customs officers stationed at said port may, in the discretion of the Secretary of the Treasury, enter and clear vessels, receive duties, fees, and other moneys, and perform such other service as, in his judgment, the interest of commerce may require.

Approved, July 2, 1909.

APPROPRIATIONS FOR SUPPORT OF GOVERNMENT OF PORTO RICO.

Act of July 15, 1909.

AN ACT TO AMEND AN ACT ENTITLED "AN ACT TEMPORARILY TO PROVIDE REVENUES AND A CIVIL GOVERNMENT FOR PORTO RICO, AND FOR OTHER PURPOSES," APPROVED APRIL TWELFTH, NINETEEN HUNDRED.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the Act entitled "An Act temporarily to provide revenues and a civil government for Porto Rico, and for other purposes," approved April twelfth, nineteen hundred, is hereby amended by inserting at the end of section thirty-one of said Act the following additional proviso:

"*And provided further,* That if at the termination of any fiscal year the appropriations necessary for the support of government for the ensuing fiscal year shall not have been made an amount equal to the sums appropriated in the last appropriation bills for such purpose shall be deemed to be appropriated; and until the legislature shall act in such behalf the treasurer may, with the advice of the governor, make the payments necessary for the purposes aforesaid."

SEC. 2. That all reports required by law to be made by the governor or members of the executive council of Porto Rico to any official in the United States shall hereafter be made to an executive department of the Government of the United States to be designated by the President; and the President is hereby authorized to place all matters pertaining to the government of Porto Rico in the jurisdiction of such department.

Approved, July 15, 1909.

**THE TARIFF — NATIONAL REVENUES — COURT OF CUSTOMS APPEALS —
SPECIAL EXCISE TAX ON CORPORATE INCOMES.**

Act of Aug. 5, 1909.

AN ACT TO PROVIDE REVENUE, EQUALIZE DUTIES AND ENCOURAGE THE INDUSTRIES OF THE UNITED STATES, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after the day following the passage of this Act, except as otherwise specially provided for in the second section of this Act, there shall be levied, collected, and paid upon all articles when imported from any foreign country into the United States or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila) the rates of duty which are by the schedules and paragraphs of the dutiable list of this section prescribed, namely:

DUTIABLE LIST.

SCHEDULE A. — CHEMICALS, OILS, AND PAINTS.

1. **ACIDS:** Acetic or pyroligneous acid, not exceeding the specific gravity of one and forty-seven one-thousandths, three-fourths of one cent per pound; exceeding the specific gravity of one and forty-seven one-thousandths, two cents per pound; acetic anhydrid, two and one-half cents per pound; boracic acid, three cents per pound; chromic acid, two cents per pound; citric acid, seven cents per pound; lactic acid, containing not over forty per centum by weight of actual lactic acid, two cents per pound; containing over forty per centum by weight of actual lactic acid, three cents per pound; oxalic acid, two cents per pound; salicylic acid, five cents per pound; sulphuric acid or oil of vitriol not specially provided for in this section, one-fourth of one cent per pound; tannic acid or tannin, thirty-five cents per pound; gallic acid, eight cents per pound; tartaric acid, five cents per pound; all other acids not specially provided for in this section, twenty-five per centum ad valorem.

2. **Alcoholic compounds,** including all articles consisting of vegetable, animal or mineral objects immersed or placed in, or saturated with, alcohol, not specially provided for in this section, sixty cents per pound and twenty-five per centum ad valorem.

3. **Alkalies, alkaloïds, distilled oils, essential oils, expressed oils, rendered oils, and all combinations of the foregoing, and all chemical compounds, mixtures and salts, and all greases, not specially provided for in this section, twenty-five per centum ad valorem; chemical compounds, mixtures and salts containing alcohol or in the preparation of which alcohol is used, and not specially provided for in this section, fifty-five cents per pound, but in no case shall any of the foregoing pay less than twenty-five per centum ad valorem.**

4. **Alumina, hydrate of, or refined bauxite, containing not more than sixty-four per centum of alumina, four-tenths of one cent per pound; containing more than sixty-four per centum of alumina, six-tenths of one cent per pound. Alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing not more than fifteen per centum of alumina and more than three-tenths of one per centum of iron oxide, one-fourth of one cent per pound; alum, alum cake, patent alum, sulphate of alumina, and aluminous cake, containing more than fifteen per centum of alumina, or not more than three-tenths of one per centum of iron oxide, three-eighths of one cent per pound.**

5. Ammonia, carbonate of, one and one-half cents per pound; muriate of, or sal ammoniac, three-fourths of one cent per pound; liquid anhydrous, five cents per pound.

6. Argols or crude tartar or wine lees crude, five per centum ad valorem; tartars and lees crystals, or partly refined argols, containing not more than ninety per centum of bitartrate of potash, and tartrate of soda or potassa, or Rochelle salts, three cents per pound; containing more than ninety per centum of bitartrate of potash, four cents per pound; cream of tartar and patent tartar, five cents per pound.

7. Blacking of all kinds, twenty-five per centum ad valorem; all creams and preparations for cleaning or polishing boots and shoes, twenty-five per centum ad valorem.

8. Bleaching powder, or chloride of lime, one-fifth of one cent per pound.

9. Blue vitriol or sulphate of copper, one-fourth of one cent per pound.

10. Charcoal in any form, not specially provided for in this Act; bone char, suitable for use in decolorizing sugars, and blood char, twenty per centum ad valorem.

11. Borax, two cents per pound; borates of lime, soda, or other borate material not otherwise provided for in this section, two cents per pound.

12. Camphor, refined, and synthetic camphor, six cents per pound.

13. Chalk, when ground, bolted, precipitated naturally or artificially, or otherwise prepared, whether in the form of cubes, blocks, sticks or disks, or otherwise, including tailors', billiard, red, or French chalk, one cent per pound; manufacturers of chalk not specially provided for in this section, twenty-five per centum ad valorem.

14. Chloroform, ten cents per pound.

15. Coal-tar dyes or colors, not specially provided for in this section, thirty per centum ad valorem; all other products or preparations of coal tar, not colors or dyes and not medicinal, not specially provided for in this section, twenty per centum ad valorem.

16. Cobalt, oxide of, twenty-five cents per pound.

17. Collodion and all compounds of pyroxylin or of other cellulose esters, whether known as celluloid or by any other name, forty cents per pound; if in blocks, sheets, rods, tubes, or other forms, not polished, wholly or partly, and not made up into finished or partly finished articles, forty-five cents per pound; if polished, wholly or partly, or if in finished or partly finished articles, except moving-picture films, of which collodion or any compound of pyroxylin or of other cellulose esters, by whatever name known, is the component material of chief value, sixty-five cents per pound and thirty per centum ad valorem.

18. Coloring for brandy, wine, beer, or other liquors, fifty per centum ad valorem.

19. Copperas, or sulphate of iron, fifteen hundredths of one cent per pound.

20. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums and gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible, and not specially provided for in this section, but which are advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture, one-fourth of one cent per pound, and in addition thereto ten per centum ad valorem: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be classified for duty under this paragraph.

21. Ethers: Sulphuric, eight cents per pound; spirits of nitrous ether, twenty cents per pound; fruit ethers, oils, or essences, one dollar per pound; ethers of all kinds not specially provided for in this section, fifty cents per pound; ethyl chloride, thirty per centum ad valorem: *Provided*, That no article of this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

22. Extracts and decoctions of logwood and other dyewoods, and extracts of bark, such as are commonly used for dyeing or tanning, not specially provided for in this section, seven-eighths of one cent per pound; extract of nut-galls, aqueous, one-fourth of one cent per pound and ten per centum ad valorem; extract of Persian berries, twenty per centum ad valorem; chlorophyll, twenty per centum ad valorem; extracts of quebracho, not exceeding in density twenty-eight degrees Baumé, one-half of one cent per pound; exceeding in density twenty-eight degrees Baumé, three-fourths of one cent per pound; extracts of hemlock bark, one-half of one cent per pound; extracts of sumac, and of woods other than dyewoods, not specially provided for in this section, five-eighths of one cent per pound; all extracts of vegetable origin suitable for dyeing, coloring, staining or tanning, not containing alcohol and not medicinal, and not specially provided for in this section, fifteen per centum ad valorem.

23. Gelatin, glue, isinglass or fish glue, including agar-agar or Japanese isinglass, and all fish bladders and fish sounds other than crude or dried or salted for preservation only, valued at not above ten cents per pound, two and one-half cents per pound; valued at above ten cents per pound and not above thirty-five cents per pound, twenty-five per centum ad valorem; valued above thirty-five cents per pound, fifteen cents per pound and twenty per centum ad valorem; gelatin in sheets, emulsions, and all manufactures of gelatin, or of which gelatin is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem; glue size, twenty-five per centum ad valorem.

24. Glycerin, crude, not purified, one cent per pound; refined, three cents per pound.

25. Indigo extracts or pastes, three-fourths of one cent per pound; indigo, carmined, ten cents per pound.

26. Ink and ink powders, twenty-five per centum ad valorem.

27. Iodine, resublimed, twenty cents per pound.

28. Iodoform, seventy-five cents per pound.

29. Licorice, extracts of, in paste, rolls, or other forms, two and one-half cents per pound.

30. Chiclé, ten cents per pound.

31. Magnesia and carbonate of, medicinal, three cents per pound; calcined, medicinal, seven cents per pound; sulphate of, or Epsom salts, one-fifth of one cent per pound.

32. Alizarin assistant, sulpho-ricinoleic acid, and ricinoleic acid, and soaps containing castor oil, any of the foregoing in whatever form, in the manufacture of which fifty per centum or more of castor oil is used, thirty cents per gallon; in the manufacture of which less than fifty per centum of castor oil is used, fifteen cents per gallon; all other alizarin assistants and all soluble greases used in processes of softening, dyeing or finishing, not specially provided for in this section, thirty per centum ad valorem.

33. Castor oil, thirty-five cents per gallon.

34. Cod-liver oil, fifteen cents per gallon.

35. Flaxseed, linseed, and poppy-seed oil, raw, boiled, or oxidized, fifteen cents per gallon of seven and one-half pounds weight.

36. Fusel oil, or amylic alcohol, one-fourth of one cent per pound.
37. Hemp-seed oil, ten cents per gallon; rape-seed oil, ten cents per gallon.
38. Olive oil, not specially provided for in this section, forty cents per gallon; in bottles, jars, kegs, tins, or other packages, containing less than five gallons each, fifty cents per gallon.
39. Peppermint oil, twenty-five cents per pound.
40. Seal, herring, whale, and other fish oil including sod oil, not specially provided for in this section, eight cents per gallon.
41. Opium, crude or unmanufactured, and not adulterated, containing nine per centum and over of morphia, one dollar and fifty cents per pound; opium of the same composition, dried, powdered, or otherwise advanced beyond the condition of crude or unmanufactured, two dollars per pound; morphia or morphine, sulphate of, and all alkaloids of opium, and salts and esters thereof, one dollar and fifty cents per ounce; cocaine, ecgonine, and all salts and derivatives of the same, one dollar and fifty cents per ounce; coca leaves, five cents per pound; aqueous extract of opium, for medicinal uses, and tincture of, as laudanum, and other liquid preparations of opium, not specially provided for in this section, forty per centum ad valorem; opium containing less than nine per centum of morphia, six dollars per pound; but preparations of opium deposited in bonded warehouses shall not be removed therefrom without payment of duties, and such duties shall not be refunded: *Provided*, That nothing herein contained shall be so construed as to repeal or in any manner impair or affect the provisions of an Act entitled "An Act to prohibit the importation and use of opium for other than medicinal purposes," approved February ninth, nineteen hundred and nine.
42. Baryta, sulphate of, or barytes, including barytes earth, unmanufactured, one dollar and fifty cents per ton; manufactured, five dollars and twenty-five cents per ton.
43. Blues, such as Berlin, Prussian, Chinese, and all others, containing ferrocyanide of iron, in pulp, dry or ground in or mixed with oil or water, eight cents per pound.
44. Blanc-fixe, or artificial sulphate of barytes, and satin white, or artificial sulphate of lime, one-half of one cent per pound.
45. Black, made from bone, ivory, or vegetable substance, by whatever name known, including boneblack and lampblack, dry or ground in oil or water, twenty-five per centum ad valorem.
46. Chrome yellow, chrome green, and all other chromium colors in the manufacture of which lead and bichromate of potash or soda are used, in pulp, dry, or ground in or mixed with oil or water, four and three-eighths cents per pound.
47. Ocher and ochery earths, sienna and sienna earths, and umber and umber earths, not specially provided for in this section, when crude or not powdered, washed or pulverized, one-eighth of one cent per pound; if powdered, washed or pulverized, three-eighths of one cent per pound; if ground in oil or water, one cent per pound.
48. Orange mineral, three and one-fourth cents per pound.
49. Red lead, two and five-eighths cents per pound.
50. Ultramarine blue, whether dry, in pulp, or mixed with water, and wash blue containing ultramarine, three cents per pound.
51. Varnishes, including so-called gold size or japan, twenty-five per centum ad valorem; enamel paints made with varnish, thirty-five per centum ad valorem; spirit varnish containing five per centum or more of methyl alcohol, thirty-five cents per gallon and thirty-five per centum ad valorem; spirit var-

nish containing less than five per centum of methyl alcohol, one dollar and thirty-two cents per gallon and thirty-five per centum ad valorem.

52. Vermilion reds, containing quicksilver, dry or ground in oil or water, ten cents per pound; when not containing quicksilver but made of lead or containing lead, four and seven-eighths cents per pound.

53. White lead, and white pigment containing lead, dry or in pulp, or ground or mixed with oil, two and one-half cents per pound.

54. Whiting and Paris white, dry, one-fourth of one cent per pound; ground in oil, or putty, one-half of one cent per pound.

55. Zinc, oxide of, and white pigment containing zinc, but not containing lead, dry, one cent per pound; ground in oil, one and three-fourths cents per pound; sulfid of zinc white, or white sulphide of zinc, one and one-fourth cents per pound; chloride of zinc and sulphate of zinc, one cent per pound.

56. All paints, colors, pigments, stains, lakes, crayons, including charcoal crayons or fusains, smalts and frostings, whether crude or dry or mixed, or ground with water or oil or with solutions other than oil, not otherwise specially provided for in this section, thirty per centum ad valorem; all glazes, fluxes, enamels, and colors used only in the manufacture of ceramic, enameled, and glass articles, thirty per centum ad valorem; all paints, colors, and pigments, commonly known as artists' paints or colors, whether in tubes, pans, cakes or other forms, thirty per centum ad valorem.

57. Paris green, and London purple, fifteen per centum ad valorem.

58. Lead: Acetate of, white, three cents per pound; brown, gray, or yellow, two cents per pound; nitrate of, two and one-fourth cents per pound; litharge, two and one-half cents per pound.

59. Phosphorus, eighteen cents per pound.

60. Bichromate and chromate of potash, two and one-fourth cents per pound.

61. Caustic potash, or hydrate of, refined, in sticks or rolls, one cent per pound; chlorate of, two cents per pound.

62. Hydriodate, iodide, and iodate of potash, twenty-five cents per pound.

63. Nitrate of potash, or saltpeter, refined, one-half of one cent per pound.

64. Prussiate of potash, red, eight cents per pound; yellow, four cents per pound; cyanide of potassium, twelve and one-half per centum ad valorem.

65. Medicinal preparations containing alcohol or in the preparation of which alcohol is used, not specially provided for in this section, fifty-five cents per pound, but in no case shall the same pay less than twenty-five per centum ad valorem; calomel, corrosive sublimate, and other mercurial medicinal preparations, thirty-five per centum ad valorem; all other medicinal preparations not specially provided for in this section, twenty-five per centum ad valorem: *Provided*, That chemicals, drugs, medicinal and similar substances, whether dutiable or free, imported in capsules, pills, tablets, lozenges, troches, or similar forms, and intended for medicinal purposes, shall be dutiable at not less than the rate imposed by this section on medicinal preparations.

66. Plasters, healing or curative, of all kinds, and court-plaster, twenty-five per centum ad valorem.

67. Perfumery, including cologne and other toilet waters, articles of perfumery, whether in sachets or otherwise, and all preparations used as applications to the hair, mouth, teeth, or skin, such as cosmetics, dentifrices, including tooth soaps, pastes, including theatrical grease paints and pastes, pomades, powders, and other toilet articles, all the foregoing; if containing alcohol, or in the manufacture or preparation of which alcohol is used, sixty cents per pound and fifty per centum ad valorem; if not containing alcohol, or in the

manufacture or preparation of which alcohol is not used, sixty per centum ad valorem; floral or flower waters containing no alcohol, not specially provided for in this section, twenty per centum ad valorem.

68. Santonin, and all salts thereof containing eighty per centum or over of santonin, fifty cents per pound.

69. Castile soap, one and one-fourth cents per pound; medicinal or medicated soaps, twenty cents per pound; fancy or perfumed toilet soaps, fifty per centum ad valorem; all other soaps not specially provided for in this section, twenty per centum ad valorem.

70. Bicarbonate of soda, or supercarbonate of soda, or saleratus, and other alkalies containing fifty per centum or more of bicarbonate of soda, five-eighths of one cent per pound.

71. Bichromate and chromate of soda, one and three-fourths cents per pound.

72. Crystal carbonate of soda, or concentrated soda crystals, or monohydrate, or sesquicarbonate of soda, one-fourth of one cent per pound; chlorate of soda, one and one-half cents per pound.

73. Hydrate of, or caustic soda, one-half of one cent per pound; nitrite of soda and yellow prussiate of soda, two cents per pound; sulphide of soda containing not more than thirty-five per centum of sulphide of soda, and hyposulphite of soda, three-eighths of one cent per pound; sulphide of soda, concentrated, or containing more than thirty-five per centum of sulphide of soda, three-fourths of one cent per pound.

74. Sal soda, or soda crystals, not concentrated, one-sixth of one cent per pound.

75. Soda ash, one-fourth of one cent per pound; arseniate of soda, one cent per pound.

76. Silicate of soda, or other alkaline silicate, three-eighths of one cent per pound.

77. Sulphate of soda, or salt cake, or niter cake, one dollar per ton.

78. Moss and sea grass, eel grass, and seaweeds, if manufactured or dyed, ten per centum ad valorem.

79. Sponges, twenty per centum ad valorem; manufactures of sponges, or of which sponge is the component material of chief value, not specially provided for in this section, thirty per centum ad valorem.

80. Strychnia, or strychnine, and all salts thereof, fifteen cents per ounce.

81. Sulphur, refined or sublimed, or flowers of, four dollars per ton.

82. Sumac, ground, three-tenths of one cent per pound.

83. Vanillin, twenty cents per ounce.

SCHEDULE B. — EARTHS, EARTHENWARE, AND GLASSWARE.

84. Fire-brick, weighing not more than ten pounds each, not glazed, enameled, ornamented, or decorated in any manner, one dollar and twenty-five cents per ton; glazed, enameled, ornamented, or decorated, thirty-five per centum ad valorem; weighing more than ten pounds each and not specially provided for in this section, not glazed, enameled, ornamented, or decorated in any manner, thirty per centum ad valorem; glazed, enameled, ornamented, or decorated, thirty-five per centum ad valorem; magnesite brick, chrome brick, and brick other than fire-brick, not glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, twenty-five per centum ad valorem; if glazed, enameled, painted, vitrified, ornamented, or decorated in any manner, thirty-five per centum ad valorem.

85. Tiles, plain unglazed, one color, exceeding two square inches in size, four cents per square foot; glazed, encaustic, ceramic mosaic, vitrified, semi-vitrified, flint, spar, embossed, enameled, ornamented, hand painted, gold decorated, and all other earthenware tiles and tiling, by whatever name known, except pill tiles and so-called quarries or quarry tiles, valued at not exceeding forty cents per square foot, eight cents per square foot; exceeding forty cents per square foot, ten cents per square foot and twenty-five per centum ad valorem; so-called quarries or quarry tiles, forty-five per centum ad valorem; mantels, friezes, and articles of every description, composed wholly or in chief value of tiles or tiling, sixty per centum ad valorem.

86. Roman, Portland, and other hydraulic cement, in barrels, sacks, or other packages, eight cents per one hundred pounds, including weight of barrel or package; in bulk, seven cents per one hundred pounds; other cement, not otherwise specially provided for in this section, twenty per centum ad valorem.

87. Lime, five cents per one hundred pounds, including weight of barrel or package.

88. Plaster rock or gypsum, crude, thirty cents per ton; if ground or calcined, one dollar and seventy-five cents per ton; pearl hardening for paper makers' use, twenty per centum ad valorem; Keene's cement, or other cement of which gypsum is the component material of chief value, if valued at ten dollars per ton or less, three dollars and fifty cents per ton; if valued above ten dollars and not above fifteen dollars per ton, five dollars per ton; if valued above fifteen dollars and not above thirty dollars per ton, ten dollars per ton; if valued above thirty dollars per ton, fourteen dollars per ton.

89. Pumice stone, wholly or partially manufactured, three-eighths of one cent per pound; unmanufactured, valued at fifteen dollars or less per ton, thirty per centum ad valorem; valued at more than fifteen dollars per ton, one-fourth of one cent per pound; manufactures of pumice stone or of which pumice stone is the component material of chief value not specially provided for in this section, thirty-five per centum ad valorem.

90. Clays or earths, unwrought or unmanufactured, not specially provided for in this section, one dollar per ton; wrought or manufactured, not specially provided for in this section, two dollars per ton; china clay or kaolin, two dollars and fifty cents per ton; limestone rock asphalt, fifty cents per ton; asphaltum and bitumen, not specially provided for in this section, crude, if not dried, or otherwise advanced in any manner, one dollar and fifty cents per ton; if dried or otherwise advanced in any manner, three dollars per ton; bauxite, or beauxite, crude, not refined or otherwise advanced in condition from its natural state, one dollar per ton; fuller's earth, unwrought and unmanufactured, one dollar and fifty cents per ton; wrought or manufactured, three dollars per ton; fluor spar, three dollars per ton.

91. Mica, unmanufactured, or rough trimmed only, five cents per pound and twenty per centum ad valorem; mica, cut or trimmed, mica plates or built-up mica, and all manufactures of mica or of which mica is the component material of chief value, ten cents per pound and twenty per centum ad valorem.

92. Common yellow, brown, or gray earthenware, plain, embossed, or salt-glazed common stoneware, and earthenware or stoneware crucibles, all the foregoing not decorated in any manner, twenty-five per centum ad valorem; yellow earthenware, plain or embossed, coated with white or transparent vitreous glaze but not otherwise ornamented or decorated, and Rockingham earthenware, forty per centum ad valorem.

93. China, porcelain, parian, bisque, earthen, stone and crockery ware, including clock cases with or without movements, pill tiles, plaques, ornaments,

toys, charms, vases, statues, statuettes, mugs, cups, steins, and lamps, all the foregoing wholly or in chief value of such ware; painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; and manufactures in chief value of such ware not specially provided for in this section, sixty per centum ad valorem.

94. China, porcelain, parian, bisque, earthen, stone and crockery ware, plain white, plain brown, including clock cases with or without movements, pill tiles, plaques, ornaments, toys, charms, vases, statues, statuettes, mugs, cups, steins, and lamps, all the foregoing wholly or in chief value of such ware, not painted, colored, tinted, stained, enameled, gilded, printed, or ornamented or decorated in any manner; and manufactures in chief value of such ware not specially provided for in this section, fifty-five per centum ad valorem.

95. Articles and wares composed wholly or in chief value of earthy or mineral substances, not specially provided for in this section, whether susceptible of decoration or not, if not decorated in any manner, thirty-five per centum ad valorem; if decorated, forty-five per centum ad valorem; carbon, not specially provided for in this section, twenty per centum ad valorem; electrodes, brushes, plates, and disks, all the foregoing composed wholly or in chief value of carbon, thirty per centum ad valorem.

96. Gas retorts, twenty per centum ad valorem; lava tips for burners, ten cents per gross and fifteen per centum ad valorem; carbons for electric lighting, wholly or partly finished, made entirely from petroleum coke, thirty-five cents per hundred feet; if composed chiefly of lampblack or retort carbon, sixty-five cents per hundred feet; filter tubes, thirty-five per centum ad valorem; porous carbon pots for electric batteries, without metallic connections, twenty per centum ad valorem.

97. Plain green or colored, molded or pressed, and flint, lime, or lead glass bottles, vials, jars, and covered or uncovered demijohns, and carboys, any of the foregoing, filled or unfilled, not otherwise specially provided for in this section, and whether their contents be dutiable or free (except such as contain merchandise subject to an ad valorem rate of duty, or to a rate of duty based in whole or in part upon the value thereof which shall be dutiable at the rate applicable to their contents), shall pay duty as follows: If holding more than one pint, one cent per pound; if holding not more than one pint and not less than one-fourth of a pint, one and one-half cents per pound; if holding less than one-fourth of a pint, fifty cents per gross: *Provided*, That none of the above articles shall pay a less rate of duty than forty per centum ad valorem: *Provided further*, That the terms bottles, vials, jars, demijohns, and carboys, as used herein, shall be restricted to such articles when suitable for use as and of the character ordinarily employed as containers for the holding or transportation of merchandise, and not as appliances or implements in chemical or other operations.

98. Glass bottles, decanters, and all articles of every description composed wholly or in chief value of glass, ornamented or decorated in any manner, or cut, engraved, painted, decorated, ornamented, colored, stained, silvered, gilded, etched, sand blasted, frosted, or printed in any manner, or ground (except such grinding as is necessary for fitting stoppers or for purposes other than ornamentation), and all articles of every description, including bottles and bottle glassware, composed wholly or in chief value of glass blown either in a mold or otherwise; all of the foregoing, not specially provided for in this section, filled or unfilled, and whether their contents be dutiable or free, sixty per centum ad valorem: *Provided*, That for the purposes of this Act, bottles with *cut glass stoppers* shall, with the stoppers, be deemed *entireties*.

99. Unpolished, cylinder, crown, and common window glass, not exceeding one hundred and fifty square inches, valued at not more than one and one-half cents per pound, one and one-fourth cents per pound; valued at more than one and one-half cents per pound, one and three-eighths cents per pound; above that, and not exceeding three hundred and eighty-four square inches, valued at not more than one and three-fourths cents per pound, one and three-fourths cents per pound; valued at more than one and three-fourths cents per pound, one and seven-eighths cents per pound; above that, and not exceeding seven hundred and twenty square inches, valued at not more than two and one-eighth cents per pound, two and one-fourth cents per pound; valued at more than two and one-eighth cents per pound, two and three-eighths cents per pound; above that, and not exceeding eight hundred and sixty-four square inches, two and three-fourths cents per pound; above that, and not exceeding one thousand two hundred square inches, three and one-fourth cents per pound; above that, and not exceeding two thousand four hundred square inches, three and three-fourths cents per pound; above that, four and one-fourth cents per pound: *Provided*, That unpolished cylinder, crown, and common window glass, imported in boxes, shall contain fifty square feet, as nearly as sizes will permit, and the duty shall be computed thereon according to the actual weight of glass.

100. Cylinder and crown glass, polished, not exceeding three hundred and eighty-four square inches, four cents per square foot; above that, and not exceeding seven hundred and twenty square inches, six cents per square foot; above that, and not exceeding one thousand four hundred and forty square inches, twelve cents per square foot; above that fifteen cents per square foot.

101. Fluted, rolled, ribbed, or rough plate glass, or the same containing a wire netting within itself, not including crown, cylinder, or common window glass, not exceeding three hundred and eighty-four square inches, three-fourths of one cent per square foot; above that, and not exceeding seven hundred and twenty square inches, one and one-fourth cents per square foot; all above that, one and three-fourths cents per square foot; and all fluted, rolled, ribbed, or rough plate glass, weighing over one hundred pounds per one hundred square feet, shall pay an additional duty on the excess at the same rates herein imposed: *Provided*, That all of the above plate glass, when ground, smoothed, or otherwise obscured, shall be subject to the same rate of duty as cast polished plate glass unsilvered.

102. Cast polished plate glass, finished or unfinished and unsilvered, not exceeding three hundred and eighty-four square inches, ten cents per square foot; above that, and not exceeding seven hundred and twenty square inches, twelve and one-half cents per square foot; all above that, twenty-two and one-half cents per square foot.

103. Cast polished plate glass, silvered, cylinder and crown glass, silvered, and looking-glass plates, exceeding in size one hundred and forty-four square inches and not exceeding three hundred and eighty-four square inches, eleven cents per square foot; above that, and not exceeding seven hundred and twenty square inches, thirteen cents per square foot; all above that, twenty-five cents per square foot: *Provided*, That no looking-glass plates or plate glass, silvered, when framed, shall pay a less rate of duty than that imposed upon similar glass of like description not framed, but shall pay in addition thereto upon such frames the rate of duty applicable thereto when imported separate.

104. Cast polished plate glass, silvered or unsilvered, and cylinder, crown, or common window glass, silvered or unsilvered, polished or unpolished, when bent, ground, obscured, frosted, sanded, enameled, beveled, etched, embossed, engraved, flashed, stained, colored, painted, ornamented, or decorated, shall be

subject to a duty of five per centum ad valorem in addition to the rates otherwise chargeable thereon.

105. Spectacles, eyeglasses, and goggles, and frames for the same, or parts thereof, finished or unfinished, valued at not over forty cents per dozen, twenty cents per dozen and fifteen per centum ad valorem; valued at over forty cents per dozen and not over one dollar and fifty cents per dozen, forty-five cents per dozen and twenty per centum ad valorem; valued at over one dollar and fifty cents per dozen, fifty per centum ad valorem.

106. Lenses of glass or pebble, molded or pressed, or ground and polished to a spherical, cylindrical, or prismatic form, and ground and polished plano or coquill glasses, wholly or partly manufactured, with the edges unground, forty-five per centum ad valorem; if with their edges ground or beveled, ten cents per dozen pairs and forty-five per centum ad valorem.

107. Strips of glass, not more than three inches wide, ground or polished on one or both sides to a cylindrical or prismatic form, including those used in the construction of gauges, and glass slides for magic lanterns, forty-five per centum ad valorem.

108. Opera and field glasses, telescopes, microscopes, photographic and projection lenses and optical instruments, and frames or mountings for the same; all the foregoing not specially provided for in this section, forty-five per centum ad valorem.

109. Stained or painted glass windows, or parts thereof, and all mirrors, not exceeding in size one hundred and forty-four square inches, with or without frames or cases, and all glass or manufactures of glass or paste or of which glass or paste is the component material of chief value, not specially provided for in this section, forty-five per centum ad valorem.

110. Fusible enamel, twenty-five per centum ad valorem; opal or cylinder glass tiles or tiling, sixty per centum ad valorem.

111. Marble and onyx, in block, rough or squared only, sixty-five cents per cubic foot; marble and onyx, sawed or dressed, over two inches in thickness, one dollar per cubic foot; slabs or paving tiles of marble or onyx, containing not less than four superficial inches, if not more than one inch in thickness, eight cents per superficial foot; if more than one inch and not more than one and one-half inches in thickness, ten cents per superficial foot; if more than one and one-half inches and not more than two inches in thickness, twelve and one-half cents per superficial foot; if rubbed in whole or in part, two cents per superficial foot in addition; mosaic cubes of marble or onyx, not exceeding two cubic inches in size, if loose, one-fourth of one cent per pound and twenty per centum ad valorem; if attached to paper or other material, five cents per superficial foot and thirty-five per centum ad valorem.

112. Marble, breccia, onyx, alabaster, and jet, wholly or partly manufactured into monuments, benches, vases, and other articles, or of which these substances or either of them is the component material of chief value, and all articles composed wholly or in chief value of agate, rock crystal, or other semiprecious stones, except such as are cut into shapes and forms fitting them expressly for use in the construction of jewelry, not specially provided for in this section, fifty per centum ad valorem.

113. Burrstones, manufactured or bound up into millstones, fifteen per centum ad valorem.

114. Freestone, granite, sandstone, limestone, and all other monumental or building stone, except marble, breccia, and onyx, not specially provided for in this section, hewn, dressed, or polished, or otherwise manufactured, fifty

per centum ad valorem; unmanufactured, or not dressed, hewn, or polished, ten cents per cubic foot.

115. Grindstones, finished or unfinished, one dollar and seventy-five cents per ton.

116. Slates, slate chimney pieces, mantels, slabs for tables, roofing slates, and all other manufactures of slate, not specially provided for in this section, twenty per centum ad valorem.

SCHEDULE C. — METALS AND MANUFACTURES OF.

117. Iron ore, including manganiferous iron ore, and the dross or residuum from burnt pyrites, fifteen cents per ton: *Provided*, That in levying and collecting the duty on iron ore no deduction shall be made from the weight of the ore on account of moisture which may be chemically or physically combined therewith.

118. Iron in pigs, iron kentledge, spiegeleisen, and ferro-manganese, two dollars and fifty cents per ton; wrought and cast scrap iron, and scrap steel, one dollar per ton; but nothing shall be deemed scrap iron or scrap steel except waste or refuse iron or steel fit only to be remanufactured by melting, and excluding pig iron in all forms.

119. Bar iron, muck bars, square iron, rolled or hammered, comprising flats not less than one inch wide nor less than three-eighths of one inch thick, round iron not less than seven-sixteenths of one inch in diameter, three-tenths of one cent per pound.

120. Round iron, in coils or rods, less than seven-sixteenths of one inch in diameter, and bars or shapes of rolled or hammered iron, not specially provided for in this section, six-tenths of one cent per pound: *Provided*, That all iron in slabs, blooms, loops, or other forms less finished than iron in bars, and more advanced than pig iron, except castings, shall be subject to a duty of four-tenths of one cent per pound: *Provided further*, That all iron bars, blooms, billets, slabs or loops, in the manufacture of which charcoal is used as fuel, shall be subject to a duty of eight dollars per ton.

121. Beams, girders, joists, angles, channels, car-truck channels, T T, columns and posts or parts or sections of columns and posts, deck and bulb beams, and building forms, together with all other structural shapes of iron or steel, not assembled, or manufactured, or advanced beyond hammering, rolling, or casting, valued at nine-tenths of one cent per pound or less, three-tenths of one cent per pound; valued above nine-tenths of one cent per pound, four-tenths of one cent per pound.

122. Boiler or other plate iron or steel, except crucible plate steel and saw plates hereinafter provided for in this section, not thinner than number ten wire gauge, cut or sheared to shape or otherwise, or unsheared, and skelp iron or steel sheared or rolled in grooves, valued at eight-tenths of one cent per pound or less, three-tenths of one cent per pound; valued above eight-tenths of one cent and not above one cent per pound, four-tenths of one cent per pound; valued above one cent and not above two cents per pound, five-tenths of one cent per pound; valued above two cents and not above three cents per pound, six-tenths of one cent per pound; valued at over three cents per pound, twenty per centum ad valorem: *Provided*, That all sheets or plates of iron or steel thinner than number ten wire gauge shall pay duty as iron or steel sheets.

123. Iron or steel anchors or parts thereof, one cent per pound; forgings of iron or steel, or of combined iron and steel, but not machined, tooled, or

otherwise advanced in condition by any process or operation subsequent to the forging process, not specially provided for in this section, thirty per centum ad valorem; antifriction balls, ball bearings, and roller bearings, of iron or steel or other metal, finished or unfinished, forty-five per centum ad valorem.

124. Hoop, band, or scroll iron or steel, not otherwise provided for in this section, valued at three cents per pound or less, eight inches or less in width, and less than three-eighths of one inch thick and not thinner than number ten wire gauge, three-tenths of one cent per pound; thinner than number ten wire gauge and not thinner than number twenty wire gauge, four-tenths of one cent per pound; thinner than number twenty wire gauge, six-tenths of one cent per pound: *Provided*, That barrel hoops of iron or steel, and hoop or band iron or hoop or band steel flared, splayed or punched, with or without buckles or fastenings, shall pay one-tenth of one cent per pound more duty than that imposed on the hoop or band iron or steel from which they are made; bands and strips of steel, exceeding twelve feet in length, not specially provided for in this section, thirty-five per centum ad valorem.

125. Hoop or band iron, or hoop or band steel, cut to lengths, or wholly or partly manufactured into hoops or ties, coated or not coated with paint or any other preparation, with or without buckles or fastenings, for baling cotton or any other commodity, three-tenths of one cent per pound.

126. Railway bars, made of iron or steel, and railway bars made in part of steel, T rails and punched iron or steel flat rails, seven-fortieths of one cent per pound; railway fish-plates or splice-bars, made of iron or steel, three-tenths of one cent per pound.

127. Sheets of iron or steel, common or black, of whatever dimensions, and skelp iron or steel, valued at three cents per pound or less, thinner than number ten and not thinner than number twenty wire gauge, five-tenths of one cent per pound; thinner than number twenty wire gauge and not thinner than number twenty-five wire gauge, six-tenths of one cent per pound; thinner than number twenty-five wire gauge and not thinner than number thirty-two wire gauge, eight-tenths of one cent per pound; thinner than number thirty-two wire gauge, nine-tenths of one cent per pound; corrugated or crimped, eight-tenths of one cent per pound; all the foregoing valued at more than three cents per pound, thirty per centum ad valorem: *Provided*, That all sheets or plates of common or black iron or steel not thinner than number ten wire gauge shall pay duty as plate iron or plate steel.

128. All iron or steel sheets or plates, and all hoop, band, or scroll iron or steel, excepting what are known commercially as tin plates, terne plates, and taggers tin, and hereinafter provided for, when galvanized or coated with zinc, spelter, or other metals, or any alloy of those metals, shall pay two-tenths of one cent per pound more duty than if the same was not so galvanized or coated; sheets or plates composed of iron, steel, copper, nickel, or other metal with layers of other metal or metals imposed thereon by forging, hammering, rolling, or welding, forty per centum ad valorem.

129. Sheets of iron or steel, polished, planished, or glanced, by whatever name designated, one and one-half cents per pound: *Provided*, That plates or sheets of iron or steel, by whatever name designated, other than the polished, planished, or glanced herein provided for, which have been pickled or cleaned by acid, or by any other material or process, or which are cold-rolled, smoothed only, not polished, shall pay two-tenths of one cent per pound more duty than the corresponding gauges of common or black sheet iron or steel.

130. Sheets or plates of iron or steel, or taggers iron or steel, coated with tin or lead, or with a mixture of which these metals, or either of them, is a

component part, by the dipping or any other process, and commercially known as tin plates, terne plates, and taggers tin, one and two-tenths cents per pound.

131. Steel ingots, cogged ingots, blooms, and slabs, by whatever process made; die blocks or blanks; billets and bars and tapered or beveled bars; mill shafting; pressed, sheared, or stamped shapes, not advanced in value or condition by any process or operation subsequent to the process of stamping; hammer molds or swaged steel; gun-barrel molds not in bars; alloys used as substitutes for steel in the manufacture of tools; all descriptions and shapes of dry sand, loam, or iron-molded steel castings; sheets and plates and steel not specially provided for in this section, all of the above valued at three-fourths of one cent per pound or less, seven-fortieths of one cent per pound; valued above three-fourths of one cent and not above one and three-tenths cents per pound, three-tenths of one cent per pound; valued above one and three-tenths cents and not above one and eight-tenths cents per pound, five-tenths of one cent per pound; valued above one and eight-tenths cents and not above two and two-tenths cents per pound, six-tenths of one cent per pound; valued above two and two-tenths cents and not above three cents per pound, eight-tenths of one cent per pound; valued above three cents per pound and not above four cents per pound, one and one-tenth cents per pound; valued above four cents and not above seven cents per pound, one and two-tenths cents per pound; valued above seven cents and not above ten cents per pound, one and nine-tenths cents per pound; valued above ten cents and not above thirteen cents per pound, two and three-tenths cents per pound; valued above thirteen cents and not above sixteen cents per pound, two and seven-tenths cents per pound; valued above sixteen cents and not above twenty-four cents per pound, four and six-tenths cents per pound; valued above twenty-four cents and not above thirty-two cents per pound, six cents per pound; valued above thirty-two cents and not above forty cents per pound, seven cents per pound; valued above forty cents per pound, twenty per centum ad valorem.

132. Steel wool or steel shavings, forty per centum ad valorem.

133. Grit, shot, and sand made of iron or steel, that can be used only as abrasives, one cent per pound.

134. Wire rods: Rivet, screw, fence, and other iron or steel wire rods, whether round, oval, flat, or square, or in any other shape, and nail rods, all the foregoing in coils or otherwise, valued at four cents or less per pound, three-tenths of one cent per pound; valued over four cents per pound, six-tenths of one cent per pound: *Provided*, That all round iron or steel rods smaller than number six wire gauge shall be classed and dutiable as wire: *Provided further*, That all iron or steel wire rods which have been tempered or treated in any manner or partly manufactured shall pay an additional duty of one-half of one cent per pound.

135. Round iron or steel wire, not smaller than number thirteen wire gauge, one cent per pound; smaller than number thirteen and not smaller than number sixteen wire gauge, one and one-fourth cents per pound; smaller than number sixteen wire gauge, one and three-fourths cents per pound: *Provided*, That all the foregoing shall pay duty at not less than thirty-five per centum ad valorem; all wire composed of iron, steel, or other metal except gold or silver, covered with cotton, silk, or other material, corset clasps, corset steels, dress steels, and all flat wires, and steel in strips, not thicker than number fifteen wire gauge and not exceeding five inches in width, whether in long or short lengths, in coils or otherwise, and whether rolled or drawn through dies or rolls, or otherwise produced, and all other wire not specially provided for in this section, shall pay a duty of not less than thirty-five per centum ad valorem; on

iron or steel wire coated by dipping, galvanizing or similar process with zinc, tin, or other metal, there shall be paid two-tenths of one cent per pound in addition to the rate imposed on the wire of which it is made: *Provided further*, That articles manufactured wholly or in chief value of any wire or wires provided for in this paragraph shall pay the maximum rate of duty imposed in this section upon any wire used in the manufacture of such articles and in addition thereto one cent per pound: *And provided further*, That no article made from or composed of wire shall pay a less rate of duty than forty per centum ad valorem; telegraph, telephone, and other wires and cables composed of metal and rubber, or of metal, rubber, and other materials, forty per centum ad valorem; barbed fence wire, three-fourths of one cent per pound, but the same shall not be subject to any additional or other rate of duty hereinbefore provided; wire heddles or healds, twenty-five cents per thousand, and in addition thereto, forty per centum ad valorem.

136. No article not specially provided for in this section, which is wholly or partly manufactured from tin plate, terne plate, or the sheet, plate, hoop, band, or scroll iron or steel herein provided for, or of which such tin plate, terne plate, sheet, plate, hoop, band, or scroll iron or steel shall be the material of chief value, shall pay a lower rate of duty than that imposed on the tin plate, terne plate, or sheet, plate, hoop, band, or scroll iron or steel from which it is made, or of which it shall be the component thereof of chief value.

137. On all iron or steel bars or rods of whatever shape or section which are cold rolled, cold drawn, cold hammered, or polished in any way in addition to the ordinary process of hot rolling or hammering, there shall be paid one-eighth of one cent per pound in addition to the rates provided in this section on bars or rods of whatever section or shape which are hot rolled; and on all strips, plates, or sheets of iron or steel of whatever shape, other than the polished, planished, or glanced sheet-iron or sheet-steel hereinbefore provided for, which are cold hammered, blued, brightened, tempered, or polished by any process to such perfected surface finish or polish better than the grade of cold rolled, smoothed only, hereinbefore provided for, there shall be paid four-tenths of one cent per pound in addition to the rates provided in this section upon plates, strips, or sheets of iron or steel of common or black finish or corresponding gauge or value; and on steel circular saw plates there shall be paid one-fourth of one cent per pound in addition to the rates provided in this section for steel plates.

138. No allowance or reduction of duties for partial loss or damage in consequence of rust or of discoloration shall be made upon any description of iron or steel, or upon any article wholly or partly manufactured of iron or steel, or upon any manufacture of iron or steel.

139. All metal produced from iron or its ores, which is cast and malleable, of whatever description or form, without regard to the percentage of carbon contained therein, whether produced by cementation, or converted, cast, or made from iron or its ores, by the crucible, Bessemer, Clapp-Griffith, pneumatic, Thomas-Gilchrist, basic, Siemens-Martin, or open-hearth process, or by the equivalent of either, or by a combination of two or more of the processes, or their equivalents, or by any fusion or other process which produces from iron or its ores a metal either granular or fibrous in structure, which is cast and malleable, excepting what is known as malleable-iron castings, shall be classed and denominated as steel.

140. Anvils of iron or steel, or of iron and steel combined, by whatever process made, or in whatever stage of manufacture, one and five-eighths cents per pound,

141. Automobiles, bicycles, and motorcycles, and finished parts of any of the foregoing, not including tires, forty-five per centum ad valorem.

142. Axles, or parts thereof, axle bars, axle blanks, or forgings for axles, whether of iron or steel, without reference to the stage or state of manufacture, not otherwise provided for in this section, valued at not more than six cents per pound, three-fourths of one cent per pound: *Provided*, That when iron or steel axles are imported fitted in wheels, or parts of wheels, of iron or steel, they shall be dutiable at the same rate as the wheels in which they are fitted.

143. Blacksmith's hammers and sledges, track tools, wedges, and crowbars, whether of iron or steel, one and three-eighths cents per pound.

144. Bolts, with or without threads or nuts, or bolt blanks, and finished hinges or hinge blanks, whether of iron or steel, one and one-eighth cents per pound.

145. Card clothing not actually and permanently fitted to and attached to carding machines or to parts thereof at the time of importation, when manufactured with round iron or untempered round steel wire, twenty cents per square foot; when manufactured with tempered round steel wire, forty-five cents per square foot; when manufactured with plated wire or other than round iron or steel wire, or with felt face, wool face, or rubber face cloth containing wool, fifty-five cents per square foot.

146. Cast-iron pipe of every description, one-fourth of one cent per pound.

147. Cast-iron andirons, plates, stove plates, sadirons, tailor's irons, hatter's irons, and castings and vessels wholly of cast iron, eight-tenths of one cent per pound. All castings of iron or cast-iron plates which have been chiseled, drilled, machined, or otherwise advanced in condition by processes or operations subsequent to the casting process but not made up into articles, shall pay two-tenths of one cent per pound more than the rate imposed upon the castings of iron and cast-iron plates hereinbefore provided for.

148. Castings of malleable iron not specially provided for in this section, seven-tenths of one cent per pound.

149. Cast hollow ware, coated, glazed, or tinned, one and one-half cents per pound.

150. Chain or chains of all kinds, made of iron or steel, not less than three-fourths of one inch in diameter, seven-eighths of one cent per pound; less than three-fourths of one inch and not less than three-eighths of one inch in diameter, one and one-eighth cents per pound; less than three-eighths of one inch in diameter and not less than five-sixteenths of one inch in diameter, one and six-eighths cents per pound; less than five-sixteenths of one inch in diameter, three cents per pound; but no chain or chains of any description shall pay a lower rate of duty than forty-five per centum ad valorem.

151. Lap-welded, butt-welded, seamed, or jointed iron or steel tubes, pipes, flues, or stays, not thinner than number sixteen wire gauge, if not less than three-eighths of an inch in diameter, one cent per pound; if less than three-eighths of an inch and not less than one-fourth of an inch in diameter, one and one-half cents per pound; if less than one-fourth of an inch in diameter, two cents per pound: *Provided*, That no tubes, pipes, flues, or stays, made of charcoal iron, shall pay a less rate of duty than one and one-half cents per pound; cylindrical or tubular tanks or vessels, for holding gas, liquids, or other material, whether full or empty, thirty per centum ad valorem; flexible metal tubing or hose, not specially provided for in this section, whether covered with wire or other material, or otherwise, including any appliances or attachments affixed thereto, thirty per centum ad valorem; welded cylindrical furnaces, tubes or flues made from plate metal, and corrugated, ribbed, or other

wise reinforced against collapsing pressure, two cents per pound; all other iron or steel tubes, finished, not specially provided for in this section, thirty per centum ad valorem.

152. Penknives, pocketknives, clasp knives, pruning knives, budding knives, erasers, manicure knives, and all knives by whatever name known, including such as are denominatively mentioned in this section, which have folding or other than fixed blades or attachments, valued at not more than forty cents per dozen, forty per centum ad valorem; valued at more than forty cents per dozen and not exceeding fifty cents per dozen, one cent per piece and forty per centum ad valorem; valued at more than fifty cents per dozen and not exceeding one dollar and twenty-five cents per dozen, five cents per piece and forty per centum ad valorem; valued at more than one dollar and twenty-five cents per dozen and not exceeding three dollars per dozen, ten cents per piece and forty per centum ad valorem; valued at more than three dollars per dozen, twenty cents per piece and forty per centum ad valorem: *Provided*, That any of the foregoing knives or erasers, if imported in the condition of assembled, but not fully finished, shall be dutiable at not less than the rate of duty herein imposed upon fully finished knives and erasers of the same material and quality, but not less in any case than ten cents each and forty per centum ad valorem: *Provided further*, That blades, handles, or other parts of any of the foregoing knives or erasers shall be dutiable at not less than the rate herein imposed upon knives and erasers valued at more than fifty cents per dozen and not exceeding one dollar and twenty-five cents per dozen; razors, finished, valued at less than one dollar per dozen, thirty-five per centum ad valorem; valued at one dollar and less than one dollar and fifty cents per dozen, six cents each and thirty-five per centum ad valorem; valued at one dollar and fifty cents and less than two dollars per dozen, ten cents each and thirty-five per centum ad valorem; valued at two dollars and less than three dollars per dozen, twelve cents each and thirty-five per centum ad valorem; valued at three dollars or more per dozen, fifteen cents each and thirty-five per centum ad valorem: *Provided*, That blades (except for safety razors), handles, and unfinished razors shall pay no less duty than that imposed on finished razors valued at two dollars per dozen: *Provided further*, That on and after October first, nineteen hundred and nine, all the articles specified in this paragraph shall when imported have the name of the maker or purchaser and beneath the same the name of the country of origin die-sunk conspicuously and indelibly on the shank or tang of at least one or, if practicable, each and every blade thereof. Scissors and shears, and blades for the same, finished or unfinished, valued at not more than fifty cents per dozen, fifteen cents per dozen and fifteen per centum ad valorem; valued at more than fifty cents and not more than one dollar and seventy-five cents per dozen, fifty cents per dozen and fifteen per centum ad valorem; valued at more than one dollar and seventy-five cents per dozen, seventy-five cents per dozen and twenty-five per centum ad valorem.

153. Sword blades, and swords and side arms irrespective of quality or use, in part of metal, fifty per centum ad valorem.

154. Table, butchers', carving, cooks', hunting, kitchen, bread, butter, vegetable, fruit, cheese, carpenters' bench, curriers', drawing, farriers', fleshing, hay, tanners', plumbers', painters', palette, artists', and shoe knives, forks and steels, finished or unfinished; if imported with handles of mother-of-pearl, shell, ivory, silver, nickeled silver, or other metal than iron or steel, fourteen cents each; with handles of deerhorn, ten cents each; with handles of hard rubber, solid bone, celluloid, or any pyroxyline material, four cents each; with handles of any other material than those above mentioned, one cent each, and in addi-

tion, on all the above articles, fifteen per centum ad valorem; any of the knives, forks or steels, enumerated in this paragraph, if imported without handles, forty per centum ad valorem: *Provided*, That none of the above-named articles shall pay a less rate of duty than forty per centum ad valorem: *Provided*, That all the articles specified in this paragraph when imported on and after October first, nineteen hundred and nine, shall have the name of the maker or purchaser and beneath the same the name of the country of origin indelibly stamped or branded thereon in a place that shall not be covered thereafter.

155. Files, file-blanks, rasps, and floats, of all cuts and kinds, two and one-half inches in length and under, twenty-five cents per dozen; over two and one-half inches in length and not over four and one-half inches, forty-seven and one-half cents per dozen; over four and one-half inches in length and under seven inches, sixty-two and one-half cents per dozen; seven inches in length and over, seventy-seven and one-half cents per dozen.

156. Muskets, muzzle-loading shotguns, rifles, and parts thereof, twenty-five per centum ad valorem.

157. Double-barreled, sporting, breach-loading shotguns, combination shotguns and rifles, valued at not more than five dollars, one dollar and fifty cents each and in addition thereto fifteen per centum ad valorem; valued at more than five dollars and not more than ten dollars, four dollars each and in addition thereto fifteen per centum ad valorem each; valued at more than ten dollars, six dollars each; double barrels for sporting breach-loading shotguns and rifles, further advanced in manufacture than rough bored only, three dollars each; stocks for double-barreled sporting breach-loading shotguns and rifles wholly or partially manufactured, three dollars each; and in addition thereto on all such guns and rifles, valued at more than ten dollars each, and on such stocks and barrels, thirty-five per centum ad valorem; on all other parts of such guns or rifles, and fittings for such stocks or barrels, finished or unfinished, fifty per centum ad valorem: *Provided*, That all double-barreled sporting breach-loading shotguns and rifles imported without a lock or locks or other fittings shall be subject to a duty of six dollars each and thirty-five per centum ad valorem; single-barreled breach-loading shotguns, or parts thereof, except as otherwise specially provided for in this section, one dollar each and thirty-five per centum ad valorem; pistols, automatic, magazine, or revolving, or parts thereof, seventy-five cents each and twenty-five per centum ad valorem.

158. Table, kitchen, and hospital utensils, or other similar hollow ware, of iron or steel, enameled or glazed with vitreous glasses, but not ornamented or decorated with lithographic or other printing, forty per centum ad valorem.

159. Cut nails and cut spikes of iron or steel, four-tenths of one cent per pound.

160. Horseshoe nails, hob nails, and all other wrought iron or steel nails not specially provided for in this section, one and one-half cents per pound.

161. Wire nails made of wrought iron or steel, not less than one inch in length and not lighter than number sixteen wire gauge, four-tenths of one cent per pound; less than one inch in length and lighter than number sixteen wire gauge, three-fourths of one cent per pound.

162. Spikes, nuts, and washers, and horse, mule, or ox shoes, of wrought iron or steel, three-fourths of one cent per pound.

163. Cut tacks, brads, or sprigs, not exceeding sixteen ounces to the thousand, five-eighths of one cent per thousand; exceeding sixteen ounces to the thousand, three-fourths of one cent per pound.

164. Needles for knitting or sewing machines, one dollar per thousand

and twenty-five per centum ad valorem; latch needles, one dollar and fifteen cents per thousand and thirty-five per centum ad valorem; crochet needles and tape needles, knitting and all other needles, not specially provided for in this section, and bodkins of metal, twenty-five per centum ad valorem; but no articles other than the needles which are specifically named in this section shall be dutiable as needles unless having an eye, and fitted and used for carrying a thread. Needle cases or needle books furnished with assortments of needles or combinations of needles and other articles, shall pay duty as entireties according to the component material of chief value therein.

165. Fish hooks, fishing rods and reels, artificial flies, artificial baits, snelled hooks and all other fishing tackle or parts thereof, not specially provided for in this section, except fishing lines, fishing nets and seines, forty-five per centum ad valorem.

166. Steel plates engraved, stereotype plates, electrotype plates, and plates of other materials, engraved for printing, twenty per centum ad valorem; plates of iron or steel engraved or fashioned for use in the production of designs, patterns, or impressions on glass in the process of manufacturing plate or other glass, twenty-five per centum ad valorem; lithographic plates of stone or other material, engraved, drawn, or prepared, and wet transfer paper or paper prepared wholly with glycerin, or glycerin combined with other materials, containing the imprints taken from lithographic plates, fifty per centum ad valorem.

167. Rivets, studs, and steel points, lathed, machined, or brightened, and rivets or studs for nonskidding automobile tires, forty-five per centum ad valorem; rivets of iron or steel, not specially provided for in this section, one and one-fourth cents per pound.

168. Crosscut saws, five cents per linear foot; mill saws, eight cents per linear foot; pit and drag saws, six cents per linear foot; circular saws, twenty per centum ad valorem; steel band saws, finished or further advanced than tempered and polished, five cents per pound and twenty per centum ad valorem; hand, back, and all other saws, not specially provided for in this section, twenty-five per centum ad valorem.

169. Screws, commonly called wood screws, made of iron or steel, more than two inches in length, three cents per pound; over one inch and not more than two inches in length, five cents per pound; over one-half inch and not more than one inch in length, eight cents per pound; one-half inch and less in length, ten cents per pound.

170. Umbrella and parasol ribs and stretchers, composed in chief value of iron, steel, or other metal, in frames or otherwise, and tubes for umbrellas, wholly or partially finished, fifty per centum ad valorem.

171. Wheels for railway purposes, or parts thereof, made of iron or steel, and steel-tired wheels for railway purposes, whether wholly or partly finished, and iron or steel locomotive, car, or other railway tires or parts thereof, wholly or partly manufactured, one and one-fourths cents per pound; ingots, cogged ingots, blooms, or blanks for the same, without regard to the degree of manufacture, one cent per pound: *Provided*, That when wheels for railway purposes, or parts thereof, of iron or steel, are imported with iron or steel axles fitted in them, the wheels and axles together shall be dutiable at the same rate as is provided for the wheels when imported separately.

172. Aluminum, aluminum scrap, and alloys of any kind in which aluminum is the component material of chief value, in crude form, seven cents per pound; in plates, sheets, bars, and rods, eleven cents per pound; barium, calcium, magnesium, sodium, and potassium, and alloys of which said metals

are the component material of chief value, three cents per pound and twenty-five per centum ad valorem.

173. Antimony, as regulus or metal, one and one-half cents per pound; antimony ore, stibnite and matte containing antimony, but not containing more than ten per centum of lead, one cent per pound on the antimony contents therein contained: *Provided*, That on all importations of antimony-bearing ores and matte containing antimony the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishment, they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishment, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entry shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law, and the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph; antimony, oxide of, one and one-half cents per pound and twenty-five per centum ad valorem.

174. Argentine, albata, or German silver, unmanufactured, twenty-five per centum ad valorem.

175. Bronze powder, brocades, flitters, and metallica, twelve cents per pound; bronze, or Dutch-metal or aluminum, in leaf, six cents per one hundred leaves.

176. Copper, in rolled plates, called braziers' copper, sheets, rods, pipes, and copper bottoms, two and one-half cents per pound; sheathing or yellow metal of which copper is the component material of chief value, and not composed wholly or in part of iron ungalvanized, two cents per pound.

177. Gold leaf, thirty-five cents per one hundred leaves. The foregoing rate applies to leaf not exceeding in size the equivalent of three and three-eighths by three and three-eighths inches; additional duties in the same proportion shall be assessed on leaf exceeding in size said equivalent.

178. Silver leaf, ten cents per one hundred leaves.

179. Tinsel wire, lame or lahn, made wholly or in chief value of gold, silver, or other metal, five cents per pound; bullions and metal threads, made wholly or in chief value of tinsel wire, lame or lahn, five cents per pound and thirty per centum ad valorem; fabrics, laces, embroideries, braids, galloons, trimmings, ribbons, beltings, ornaments, toys, or other articles, made wholly or in chief value of tinsel wire, lame or lahn, bullions, or metal threads, fifteen cents per pound and sixty per centum ad valorem.

180. Hooks and eyes, metallic, whether loose, carded, or otherwise, including weight of cards, cartons, and immediate wrappings and labels, four and one-half cents per pound and fifteen per centum ad valorem.

181. Lead-bearing ore of all kinds, one and one-half cents per pound on the lead contained therein: *Provided*, That on all importations of lead-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at

such establishments they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

182. Lead dross, lead bullion or base bullion, lead in pigs and bars, lead in any form not specially provided for in this section, old refuse lead run into blocks and bars, and old scrap lead fit only to be remanufactured; all the foregoing, two and one-eighth cents per pound; lead in sheets, pipe, shot, glaziers' lead and lead wire, two and three-eighths cents per pound.

183. Metallic mineral substances in a crude state, and metals unwrought, whether capable of being wrought or not, not specially provided for in this section, twenty per centum ad valorem; monazite sand and thorite, four cents per pound; thorium, oxide of and salts of, gas mantels treated with chemicals or metallic oxides, and gas mantle scrap consisting in chief value of metallic oxides, forty per centum ad valorem.

184. Chrome or chromium metal, ferrochrome or ferrocromium, ferromolybdenum, ferrophosphorus, ferrotitanium, ferrotungsten, ferrovanadium, molybdenum, titanium, tantalum, tungsten, or wolfram metal, valued at two hundred dollars per ton or less, twenty-five per centum ad valorem; valued at more than two hundred dollars per ton, twenty per centum ad valorem; ferrosilicon containing not more than fifteen per centum of silicon, five dollars per ton; ferrosilicon containing more than fifteen per centum of silicon, twenty per centum ad valorem.

185. Nickel, nickel oxide, alloy of any kind in which nickel is a component material of chief value, in pigs, ingots, bars, rods, or plates, six cents per pound; sheets or strips, thirty-five per centum ad valorem.

186. Pens, metallic, except gold pens, twelve cents per gross; with nib and barrel in one piece, fifteen cents per gross.

187. Penholder tips, penholders and parts thereof, five cents per gross and twenty-five per centum ad valorem; gold pens, twenty-five per centum ad valorem; fountain pens, stylographic pens, thirty per centum ad valorem; combination penholders, comprising penholder, pencil, rubber eraser, automatic stamp, or other attachment, forty per centum ad valorem: *Provided*, That pens and penholders shall be assessed for duty separately.

188. Pins with solid heads, without ornamentation, including hair, safety, hat, bonnet, and shawl pins; any of the foregoing composed wholly of brass, copper, iron, steel, or other base metal, not plated with gold or silver, and not commonly known as jewelry, thirty-five per centum ad valorem.

189. Quicksilver, seven cents per pound. The flasks, bottles, or other vessels in which quicksilver is imported shall be subject to the same rate of duty as they would be subjected to if imported empty.

190. Tungsten-bearing ores of all kinds, ten per centum ad valorem.

191. Type metal, one and one-half cents per pound on the lead contained therein; new types, twenty-five per centum ad valorem.

192. Watch movements, including time-detectors, whether imported in cases or not, if having not more than seven jewels, seventy cents each; if having more than seven jewels and not more than eleven jewels, one dollar and thirty-five cents each; if having more than eleven jewels and not more than fifteen

jewels, one dollar and eighty-five cents each; if having more than fifteen and not more than seventeen jewels, one dollar and twenty-five cents each and twenty-five per centum ad valorem; if having more than seventeen jewels, three dollars each and twenty-five per centum ad valorem; watch cases and parts of watches, chronometers, box or ship, and parts thereof, forty per centum ad valorem; lever clock movements having jewels in the escapement, and clocks containing such movements, one dollar each and forty per centum ad valorem; all other clocks and parts thereof, not otherwise provided for in this section, whether separately packed or otherwise, not composed wholly or in chief value of china, porcelain, parian, bisque, or earthenware, forty per centum ad valorem; all jewels for use in the manufacture of watches or clocks, ten per centum ad valorem; enameled dials for watches or other instruments, three cents per dial and forty per centum ad valorem: *Provided*, That all watch and clock dials, whether attached to movements or not, shall have indelibly painted or printed thereon the country of origin, and that all watch movements, lever clock movements with jewels in the escapement, and cases of foreign manufacture shall have the name of the manufacturer and country of manufacture cut, engraved, or die-sunk conspicuously and indelibly on the plate of the movement and the inside of the case, respectively, and the movements shall also have marked thereon by one of the methods indicated the number of jewels and adjustments, said number to be expressed both in words and in Arabic numerals; and none of the aforesaid articles shall be delivered to the importer unless marked in exact conformity to this direction.

193. Zinc-bearing ore of all kinds, including calamine, containing less than ten per centum of zinc, shall be admitted free of duty; containing ten per centum or more of zinc and less than twenty per centum, one-fourth of one cent per pound on the zinc contained therein; containing twenty per centum or more of zinc and less than twenty-five per centum, one-half of one cent per pound on the zinc contained therein; containing twenty-five per centum of zinc, or more, one cent per pound on the zinc contained therein: *Provided*, That on all importations of zinc-bearing ores the duties shall be estimated at the port of entry, and a bond given in double the amount of such estimated duties for the transportation of the ores by common carriers bonded for the transportation of appraised or unappraised merchandise to properly equipped sampling or smelting establishments, whether designated as bonded warehouses or otherwise. On the arrival of the ores at such establishments they shall be sampled according to commercial methods under the supervision of government officers, who shall be stationed at such establishments, and who shall submit the samples thus obtained to a government assayer, designated by the Secretary of the Treasury, who shall make a proper assay of the sample, and report the result to the proper customs officers, and the import entries shall be liquidated thereon, except in case of ores that shall be removed to a bonded warehouse to be refined for exportation as provided by law. And the Secretary of the Treasury is authorized to make all necessary regulations to enforce the provisions of this paragraph.

194. Zinc in blocks or pigs and zinc dust, one and three-eighths cents per pound; in sheets, one and five-eighths cents per pound; in sheets coated or plated with nickel or other metal, or solutions, one and three-fourths cents per pound; old and worn-out, fit only to be remanufactured, one cent per pound.

195. Cans, boxes, packages, and other containers of all kinds (except such as are hermetically sealed by soldering or otherwise), composed wholly or in chief value of metal lacquered or printed by any process of lithography what-

ever, if filled or unfilled, and whether their contents be dutiable or free, four cents per pound and thirty-five per centum ad valorem: *Provided*, That none of the foregoing articles shall pay a less rate of duty than fifty-five per centum ad valorem; but no cans, boxes, packages, or containers of any kind, of the capacity of five pounds or under, subject to duty under this paragraph, shall pay less duty than if the same were imported empty; and the dutiable value of the same shall include all packing charges, cartons, wrappings, envelopes, and printed matter accompanying them when such cans, boxes, packages, or containers are imported wholly or partly filled with merchandise exempt from duty (except liquids and merchandise commercially known as drugs) and which is commonly dealt in at wholesale in the country of original exportation in bulk or in packages exceeding five pounds in capacity: *Provided further*, That paper, cardboard or pasteboard wrappings or containers that are made and used only for the purpose of holding or containing the article with which they are filled, and after such use are mere waste material, shall not be dutiable unless their contents are dutiable.

196. Bottle caps of metal, if not colored, waxed, lacquered, enameled, lithographed, or embossed in color, one-half of one cent per pound and forty-five per centum ad valorem; if colored, waxed, lacquered, enameled, lithographed, or embossed in color, fifty-five per centum ad valorem.

197. Cash registers, jute manufacturing machinery, linotype and all typesetting machines, machine tools, printing presses, sewing machines, typewriters, and all steam engines, thirty per centum ad valorem; embroidery machines and lace-making machines, including machines for making lace curtains, nets, or nettings, forty-five per centum ad valorem: *Provided, however*, That all embroidery machines and Lever or Gothrough lace-making machines, machines used only for the weaving of linen cloth from flax and flax fiber, and tar and oil spreading machines used in the construction and maintenance of roads and in improving them by the use of road preservatives, shall, if imported prior to January first, nineteen hundred and eleven, be admitted free of duty.

198. Nippers and pliers of all kinds (except blacksmiths' tongs, surgical and dental instruments or parts thereof), wholly or partly manufactured, eight cents per pound and forty per centum ad valorem.

199. Articles or wares not specially provided for in this section, composed wholly or in part of iron, steel, lead, copper, nickel, pewter, zinc, gold, silver, platinum, aluminum, or other metal, and whether partly or wholly manufactured, forty-five per centum ad valorem.

SCHEDULE D. — WOOD AND MANUFACTURES OF.

200. Timber, hewn, sided or squared otherwise than by sawing (not less than eight inches square) and round timber used for spars or in building wharves, one-half of one cent per cubic foot.

201. Sawed boards, planks, deals, and other lumber of whitewood, sycamore, and basswood, fifty cents per thousand feet board measure; sawed lumber, not specially provided for in this section, one dollar and twenty-five cents per thousand feet board measure; but when lumber of any sort is planed or finished, there shall be levied in addition to the rates herein provided, the following:

For one side so planed or finished, fifty cents per thousand feet board measure; for planing or finishing on one side and tonguing and grooving or for planing or finishing on two sides, seventy-five cents per thousand feet board measure; for planing or finishing on three sides, or planing and finish-

ing on two sides and tonguing and grooving, one dollar and twelve and one-half cents per thousand feet board measure; for planing and finishing on four sides, one dollar and fifty cents per thousand feet board measure; and in estimating board measure under this schedule no deduction shall be made on board measure on account of planing, tonguing, and grooving.

202. Briar root or briar wood, ivy or laurel root, and similar wood unmanufactured, or not further advanced than cut into blocks suitable for the articles into which they are intended to be converted, fifteen per centum ad valorem.

203. Sawed boards, planks, deals, and all forms of sawed cedar, lignum-vitæ, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all other cabinet woods not further manufactured than sawed, fifteen per centum ad valorem; veneers of wood, and wood unmanufactured, not specially provided for in this section, twenty per centum ad valorem.

204. Paving posts, railroad ties, and telephone, trolley, electric light, and telegraph poles of cedar or other woods, ten per centum ad valorem.

205. Clapboards, one dollar and twenty-five cents per thousand.

206. Hubs for wheels, posts, heading bolts, stave bolts, last blocks, wagon blocks, oarblocks, heading blocks, and all like blocks or sticks, roughhewn, sawed or bored, twenty per centum ad valorem.

207. Laths, twenty cents per one thousand pieces.

208. Pickets, palings and staves of wood, of all kinds, ten per centum ad valorem.

209. Shingles, fifty cents per thousand.

210. Casks, barrels, and hogsheads (empty), sugar-box shooks, and packing-boxes (empty), and packing-box shooks, of wood, not specially provided for in this section, thirty per centum ad valorem.

211. Boxes, barrels, or other articles containing oranges, lemons, limes, grape fruit, shaddocks or pomelos, thirty per centum ad valorem: *Provided*, That the thin wood, so called, comprising the sides, tops and bottoms of orange and lemon boxes of the growth and manufacture of the United States, exported as orange and lemon box shooks, may be reimported in completed form, filled with oranges and lemons, by the payment of duty at one-half the rate imposed on similar boxes of entirely foreign growth and manufacture; but proof of the identity of such shooks shall be made under regulations to be prescribed by the Secretary of the Treasury.

212. Chair cane or reeds wrought or manufactured from rattans or reeds, ten per centum ad valorem; osier or willow, including chip of and split willow, prepared for basket makers' use, twenty-five per centum ad valorem; manufactures of osier or willow and willow furniture, forty-five per centum ad valorem.

213. Toothpicks of wood or other vegetable substance, two cents per one thousand and fifteen per centum ad valorem; butchers' and packers' skewers of wood, forty cents per thousand.

214. Porch and window blinds, baskets, curtains, shades, or screens of bamboo, wood, straw, or compositions of wood, not specially provided for in this section, thirty-five per centum ad valorem; if stained, dyed, painted, printed, polished, grained, or creosoted, forty per centum ad valorem.

215. House or cabinet furniture wholly or in chief value of wood, wholly or partly finished, and manufactures of wood or bark, or of which wood or bark is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem.

SCHEDULE E. — SUGAR, MOLASSES, AND MANUFACTURES OF.

216. Sugars not above number sixteen Dutch standard in color, tank bottoms, sirups of cane juice, melada, concentrated melada, concrete and concentrated molasses, testing by the polariscope not above seventy-five degrees, ninety-five one-hundredths of one cent per pound, and for every additional degree shown by the polariscopic test, thirty-five one thousandths of one cent per pound additional, and fractions of a degree in proportion; and on sugar above number sixteen Dutch standard in color, and on all sugar which has gone through a process of refining, one cent and ninety one-hundredths of one cent per pound; molasses testing not above forty degrees, twenty per centum ad valorem; testing above forty degrees and not above fifty-six degrees, three cents per gallon; testing above fifty-six degrees, six cents per gallon; sugar drainings and sugar sweepings shall be subject to duty as molasses or sugar, as the case may be, according to polariscopic test.

217. Maple sugar and maple sirup, four cents per pound; glucose or grape sugar, one and one-half cents per pound; sugar cane in its natural state, or unmanufactured, twenty per centum ad valorem.

218. Saccharine, sixty-five cents per pound.

219. Sugar candy and all confectionery not specially provided for in this section, valued at fifteen cents per pound or less, and on sugars after being refined, when tinctured, colored or in any way adulterated, four cents per pound and fifteen per centum ad valorem; valued at more than fifteen cents per pound, fifty per centum ad valorem. The weight and the value of the immediate coverings, other than the outer packing case or other covering, shall be included in the dutiable weight and the value of the merchandise.

SCHEDULE F. — TOBACCO AND MANUFACTURES OF.

220. Wrapper tobacco, and filler tobacco when mixed or packed with more than fifteen per centum of wrapper tobacco, and all leaf tobacco the product of two or more countries or dependencies when mixed or packed together, if unstemmed, one dollar and eighty-five cents per pound; if stemmed, two dollars and fifty cents per pound; filler tobacco not specially provided for in this section, if unstemmed, thirty-five cents per pound; if stemmed, fifty cents per pound.

221. The term wrapper tobacco as used in this section means that quality of leaf tobacco which is suitable for cigar wrappers, and the term filler tobacco means all other leaf tobacco. Collectors of customs shall not permit entry to be made, except under regulations to be prescribed by the Secretary of the Treasury, of any leaf tobacco, unless the invoices of the same shall specify in detail the character of such tobacco, whether wrapper or filler, its origin and quality. In the examination for classification of any imported leaf tobacco, at least one bale, box, or package in every ten, and at least one in every invoice, shall be examined by the appraiser or person authorized by law to make such examination, and at least ten hands shall be examined in each examined bale, box, or package.

222. All other tobacco, manufactured or unmanufactured, not specially provided for in this section, and scrap tobacco, fifty-five cents per pound.

223. Snuff and snuff flour, manufactured of tobacco, ground dry, or damp, and pickled, scented, or otherwise, of all descriptions, fifty-five cents per pound.

224. Cigars, cigarettes, cheroots of all kinds, four dollars and fifty cents

per pound and twenty-five per centum ad valorem, and paper cigars and cigarettes, including wrappers, shall be subject to the same duties as are herein imposed upon cigars.

SCHEDULE G. — AGRICULTURAL PRODUCTS AND PROVISIONS.

225. Cattle, if less than one year old, two dollars per head; all other cattle if valued at not more than fourteen dollars per head, three dollars and seventy-five cents per head; if valued at more than fourteen dollars per head, twenty-seven and one-half per centum ad valorem.

226. Swine, one dollar and fifty cents per head.

227. Horses and mules, valued at one hundred and fifty dollars or less per head, thirty dollars per head; if valued at over one hundred and fifty dollars, twenty-five per centum ad valorem.

228. Sheep, one year old or over, one dollar and fifty cents per head; less than one year old, seventy-five cents per head.

229. All other live animals, not specially provided for in this section, twenty per centum ad valorem.

230. Barley, thirty cents per bushel of forty-eight pounds.

231. Barley malt, forty-five cents per bushel of thirty-four pounds.

232. Barley, pearled, patent, or hulled, two cents per pound.

233. Broom corn, three dollars per ton.

234. Buckwheat, fifteen cents per bushel of forty-eight pounds; buckwheat flour, twenty-five per centum ad valorem.

235. Corn or maize, fifteen cents per bushel of fifty-six pounds.

236. Corn meal, forty cents per one hundred pounds.

237. Macaroni, vermicelli, and all similar preparations, one and one-half cents per pound.

238. Oats, fifteen cents per bushel.

239. Oatmeal and rolled oats, one cent per pound; oat hulls, ten cents per hundred pounds.

240. Rice, cleaned, two cents per pound; uncleaned rice, or rice free of the outer hull and still having the inner cuticle on, one and one-fourth cents per pound; rice flour, and rice meal, and rice broken which will pass through a number twelve wire sieve of a kind prescribed by the Secretary of the Treasury, one-fourth of one cent per pound; paddy, or rice having the outer hull on, three-fourths of one cent per pound.

241. Rye, ten cents per bushel; rye flour, one-half of one cent per pound.

242. Wheat, twenty-five cents per bushel.

243. Wheat flour, and semolina, twenty-five per centum ad valorem.

244. Biscuits, bread, wafers, and similar articles, not specially provided for in this section, twenty per centum ad valorem; biscuits, wafers, cakes, and other baked articles, by whatever name known, composed in whole or in part of eggs, or any kind of flour or meal, or other material, when sweetened with sugar, honey, molasses, or other material, or combined with chocolate, nuts, fruit, or confectionery of any kind, or both so sweetened and combined, and without regard to the component material of chief value, valued at fifteen cents per pound or less, three cents per pound and fifteen per centum ad valorem; valued at more than fifteen cents per pound, fifty per centum ad valorem.

245. Butter and substitutes therefor, six cents per pound.

246. Cheese, and substitutes therefor, six cents per pound.

247. Milk, fresh, two cents per gallon; cream, five cents per gallon.

248. Milk, preserved or condensed, or sterilized by heating or other processes, including weight of immediate coverings, two cents per pound; sugar of milk, five cents per pound.

249. Beans, forty-five cents per bushel of sixty pounds.

250. Beets, twenty-five per centum ad valorem; sugar beets, ten per centum ad valorem.

251. Beans, pease, mushrooms, and truffles, prepared or preserved, or contained in tins, jars, bottles, or similar packages, two and one-half cents per pound, including the weight of immediate coverings; mushrooms, cut, sliced, or dried, in undivided packages containing not less than five pounds, two and one-half cents per pound.

252. Vegetables, if cut, sliced, or otherwise reduced in size, or if parched or roasted, or if pickled, or packed in salt, brine, oil, or prepared in any way; any of the foregoing not specially provided for in this section, and bean stick or bean cake, miso, and similar products, forty per centum ad valorem.

253. Pickles, including pickled nuts, sauces of all kinds, not specially provided for in this section, and fish paste or sauce, forty per centum ad valorem.

254. Cabbages, two cents each.

255. Cider, five cents per gallon.

256. Eggs, not specially provided for in this section, five cents per dozen.

257. Eggs, dried, fifteen cents per pound; eggs, yolk of, twenty-five per centum ad valorem; albumen, egg or blood, three cents per pound; dried blood, when soluble, one and one-half cents per pound.

258. Hay, four dollars per ton.

259. Honey, twenty cents per gallon.

260. Hops, sixteen cents per pound; hop extract and lupulin, fifty per centum ad valorem.

261. Onions, forty cents per bushel of fifty-seven pounds; garlic, one cent per pound.

262. Pease, green, in bulk or in barrels, sacks, or similar packages, twenty-five cents per bushel of sixty pounds; seed pease, forty cents per bushel of sixty pounds; pease, dried, not specially provided for in this section, twenty-five cents per bushel; split pease, forty-five cents per bushel of sixty pounds; pease in cartons, papers, or other small packages, one cent per pound.

263. Orchids, palms, azaleas, and all other decorative or green-house plants and cut flowers, preserved or fresh, twenty-five per centum ad valorem; lily of the valley pips, tulip, narcissus, begonia, and gloxinia bulbs, one dollar per thousand; hyacinth, astilbe, dielytra, and lily of the valley clumps, two dollars and fifty cents per thousand; lily bulbs and calla bulbs, five dollars per thousand; peony, Iris Kämpferii or Germanica, canna, dahlia, and amaryllis bulbs, ten dollars per thousand; all other bulbs, bulbous roots or corms which are cultivated for their flowers or foliage, fifty cents per thousand.

264. Stocks, cuttings, or seedlings of Myrobalan plum, Mahaleb or Mazzard cherry, Manetti multiflora and briar rose, three years old or less, one dollar per thousand plants; stocks, cuttings, or seedlings of pear, apple, quince and the Saint Julien plum, three years old or less, two dollars per thousand plants; rose plants, budded, grafted, or grown on their own roots, four cents each; stocks, cuttings and seedlings of all fruit and ornamental trees, deciduous and evergreen shrubs and vines, and all trees, shrubs, plants, and vines commonly known as nursery or greenhouse stock, not specially provided for in this section, twenty-five per centum ad valorem.

265. Potatoes, twenty-five cents per bushel of sixty pounds.

266. Seeds: Castor beans or seeds, twenty-five cents per bushel of fifty pounds; flaxseed or linseed and other oil seeds not specially provided for in this section, twenty-five cents per bushel of fifty-six pounds; poppy seed, fifteen cents per bushel; mushroom spawn, and spinach seed, one cent per pound; beet, except sugar beet, carrot, corn salad, parsley, parsnip, radish, turnip and ruta-baga seed, four cents per pound; cabbage, collard, kale and kohlrabi seed, eight cents per pound; egg plant and pepper seed, twenty cents per pound; seeds of all kinds not specially provided for in this section, ten cents per pound.

267. Straw, one dollar and fifty cents per ton.

268. Teazels, thirty per centum ad valorem.

269. Vegetables in their natural state, not specially provided for in this section, twenty-five per centum ad valorem.

270. Fish (except shellfish) by whatever name known, packed in oil, in bottles, jars, kegs, tin boxes, or cans, shall be dutiable as follows: When in packages containing seven and one-half cubic inches or less, one and one-half cents per bottle, jar, keg, box, or can; containing more than seven and one-half and not more than twenty-one cubic inches, two and one-half cents per bottle, jar, keg, box, or can; containing more than twenty-one and not more than thirty-three cubic inches, five cents per bottle, jar, keg, box, or can; containing more than thirty-three and not more than seventy cubic inches, ten cents per bottle, jar, keg, box, or can; all other fish (except shellfish) in tin packages, thirty per centum ad valorem; fish in packages, containing less than one-half barrel, and not specially provided for in this section, thirty per centum ad valorem; caviar, and other preserved roe of fish, thirty per centum ad valorem.

271. Fresh-water fish not specially provided for in this section, one-fourth of one cent per pound.

272. Herrings, pickled or salted, smoked or kippered, one-half of one cent per pound; herrings, fresh, one-fourth of one cent per pound; eels and smelts, fresh or frozen, three-fourths of one cent per pound.

273. Fish, fresh, smoked, dried, salted, pickled, frozen, packed in ice or otherwise prepared for preservation, not specially provided for in this section, three-fourths of one cent per pound; fish, skinned or boned, one and one-fourth cents per pound; mackerel, halibut, or salmon, fresh, pickled, or salted, one cent per pound.

274. Apples, peaches, quinces, cherries, plums, and pears, green or ripe, twenty-five cents per bushel; berries, edible, in their natural condition, one cent per quart; cranberries, twenty-five per centum ad valorem; all edible fruits, including berries, when dried, desiccated, evaporated, or prepared in any manner, not specially provided for in this section, two cents per pound; comfits, sweetmeats, and fruits of all kinds preserved or packed in sugar, or having sugar added thereto, or preserved or packed in molasses, spirits, or their own juices, if containing no alcohol, or containing not over ten per centum of alcohol, one cent per pound and thirty-five per centum ad valorem; if containing over ten per centum of alcohol and not specially provided for in this section, thirty-five per centum ad valorem and in addition two dollars and fifty cents per proof gallon on the alcohol contained therein in excess of ten per centum; jellies of all kinds, thirty-five per centum ad valorem; pineapples preserved in their own juice, not having sugar, spirits, or molasses added thereto, twenty-five per centum ad valorem.

275. Figs, two and one-half cents per pound; plums, prunes, and prunelles, two cents per pound; raisins and other dried grapes, two and one-half cents per pound; dates, one cent per pound; currants, Zante or other, two cents per pound; olives, in bottles, jars, kegs, tins, or other packages, containing less

than five gallons each, twenty-five cents per gallon; otherwise, fifteen cents per gallon.

276. Grapes in barrels or other packages, twenty-five cents per cubic foot of capacity of barrels or packages.

277. Lemons, one and one-half cents per pound; oranges, limes, grape fruit, shaddocks, or pomelos, one cent per pound.

278. Orange peel or lemon peel, preserved, candied, or dried, and cocoanut meat or copra desiccated, shredded, cut, or similarly prepared, two cents per pound; citron or citron peel, preserved, candied, or dried, four cents per pound.

279. Pineapples, in barrels and other packages, eight cents per cubic foot of the capacity of barrels or packages; in bulk, eight dollars per thousand.

280. Almonds, not shelled, four cents per pound; clear almonds, shelled, six cents per pound; apricot and peach kernels, four cents per pound.

281. Filberts and walnuts of all kinds, not shelled, three cents per pound; shelled, five cents per pound.

282. Peanuts or ground beans, unshelled, one-half of one cent per pound; shelled, one cent per pound.

283. Nuts of all kinds, shelled or unshelled, not specially provided for in this section, one cent per pound; but no allowance shall be made for dirt or other impurities in nuts of any kind, shelled or unshelled.

284. Bacon and hams, four cents per pound.

285. Fresh beef, veal, mutton, lamb, pork, and venison and other game, except birds, one and one-half cents per pound.

286. Meats of all kinds, prepared or preserved, not specially provided for in this section, twenty-five per centum ad valorem.

287. Extract of meat, not specially provided for in this section, thirty-five cents per pound; fluid extract of meat, fifteen cents per pound, but the dutiable weight of the extract of meat and of the fluid extract of meat shall not include the weight of the packages in which the same is imported.

288. Lard, one and one-half cents per pound.

289. Poultry, live, three cents per pound; dead, five cents per pound.

290. Tallow, one-half of one cent per pound; wool grease, including that known commercially as degrass or brown wool grease, crude and not refined, or improved in value or condition, one-fourth of one cent per pound; refined, or improved in value or condition, and not specially provided for in this section, one-half of one cent per pound.

291. Chicory root, raw, dried, or undried, but unground, one and one-half cents per pound; chicory root, burnt or roasted, ground or granulated, or in rolls, or otherwise prepared, and not specially provided for in this section, three cents per pound.

292. Chocolate and cocoa, prepared or manufactured, not specially provided for in this section, valued at not over fifteen cents per pound, two and one-half cents per pound; valued above fifteen and not above twenty-four cents per pound, two and one-half cents per pound and ten per centum ad valorem; valued above twenty-four and not above thirty-five cents per pound, five cents per pound and ten per centum ad valorem; valued above thirty-five cents per pound, fifty per centum ad valorem. The weight and value of all coverings, other than plain wooden, shall be included in the dutiable weight and value of the foregoing merchandise; powdered cocoa, unsweetened, five cents per pound.

293. Cocoa butter or cocoa butterine, refined deodorized cocoanut oil, and all substitutes for cocoa butter, three and one-half cents per pound.

294. Dandelion root and acorns prepared, and articles used as coffee, or as

substitutes for coffee not specially provided for in this section, two and one-half cents per pound.

295. Salt in bags, sacks, barrels, or other packages, eleven cents per one hundred pounds; in bulk, seven cents per one hundred pounds: *Provided*, That imported salt in bond may be used in curing fish taken by vessels licensed to engage in the fisheries and in curing fish on the shores of the navigable waters of the United States under such regulations as the Secretary of the Treasury shall prescribe; and upon proof that the salt has been used for either of the purposes stated in this proviso, the duties on the same shall be remitted: *Provided further*, That exporters of meats, whether packed or smoked, which have been cured in the United States with imported salt, shall, upon satisfactory proof, under such regulations as the Secretary of the Treasury shall prescribe, that such meats have been cured with imported salt, have refunded to them from the Treasury the duties paid on the salt so used in curing such exported meats, in amounts not less than one hundred dollars.

296. Starch, made from potatoes, one and one-half cents per pound; all other starch, including all preparations, from whatever substance produced, fit for use as starch, one cent per pound.

297. Dextrine, dextrine substitutes, soluble starch or chemically treated starch, burnt starch, gum substitute, or British gum, one and one-half cents per pound.

298. Spices: Mustard, ground or prepared, in bottles or otherwise, ten cents per pound; capsicum or red pepper, or cayenne pepper, two and one-half cents per pound; sage, one cent per pound; spices not specially provided for in this section, three cents per pound.

299. Vinegar, seven and one-half cents per proof gallon. The standard proof for vinegar shall be taken to be that strength which requires thirty-five grains of bicarbonate of potash to neutralize one ounce troy of vinegar.

SCHEDULE H. — SPIRITS, WINES, AND OTHER BEVERAGES.

300. Brandy and other spirits manufactured or distilled from grain or other materials, and not specially provided for in this section, two dollars and sixty cents per proof gallon.

301. Each and every gauge or wine gallon of measurement shall be counted as at least one proof gallon; and the standard for determining the proof of brandy and other spirits or liquors of any kind imported shall be the same as that which is defined in the laws relating to internal revenue: *Provided*, That it shall be lawful for the Secretary of the Treasury, in his discretion, to authorize the ascertainment of the proof of wines, cordials, or other liquors, by distillation or otherwise, in cases where it is impracticable to ascertain such proof by the means prescribed by existing law or regulations: *And provided further*, That any brandy or other spirituous or distilled liquors imported in any sized cask, bottle, jug, or other packages, of or from any country, dependency, or province under whose laws similar sized casks, bottles, jugs, or other packages of distilled spirits, wine, or other beverage put up or filled in the United States are denied entrance into such country, dependency, or province, shall be forfeited to the United States; and any brandy or other spirituous or distilled liquor imported in a cask of less capacity than ten gallons from any country shall be forfeited to the United States.

302. On all compounds or preparations of which distilled spirits are a component part of chief value there shall be levied a duty not less than that imposed upon distilled spirits.

303. Cordials, liqueurs, arrack, absinthé, kirschwasser, ratafia, and other spirituous beverages or bitters of all kinds, containing spirits, and not specially provided for in this section, two dollars and sixty cents per proof gallon.

304. No lower rate or amount of duty shall be levied, collected, and paid on brandy, spirits, and other spirituous beverages than that fixed by law for the description of first proof; but it shall be increased in proportion for any greater strength than the strength of first proof, and all imitations of brandy or spirits or wines imported by any names whatever shall be subject to the highest rate of duty provided for the genuine articles respectively intended to be represented, and in no case less than one dollar and seventy-five cents per gallon.

305. Bay rum or bay water, whether distilled or compounded, of first proof, and in proportion for any greater strength than first proof, one dollar and seventy-five cents per gallon.

306. Champagne and all other sparkling wines, in bottles containing each not more than one quart and more than one pint, nine dollars and sixty cents per dozen; containing not more than one pint each and more than one-half pint, four dollars and eighty cents per dozen; containing one-half pint each or less, two dollars and forty cents per dozen; in bottles or other vessels containing more than one quart each, in addition to nine dollars and sixty cents per dozen bottles, on the quantity in excess of one quart, at the rate of three dollars per gallon; but no separate or additional duty shall be levied on the bottles.

307. Still wines, including ginger wine or ginger cordial, vermouth, and rice wine or sake, and similar beverages not specially provided for in this section, in casks or packages other than bottles or jugs, if containing fourteen per centum or less of absolute alcohol, forty-five cents per gallon; if containing more than fourteen per centum of absolute alcohol, sixty cents per gallon. In bottles or jugs, per case of one dozen bottles or jugs, containing each not more than one quart and more than one pint, or twenty-four bottles or jugs containing each not more than one pint, one dollar and eighty-five cents per case; and any excess beyond these quantities found in such bottles or jugs shall be subject to a duty of six cents per pint or fractional part thereof, but no separate or additional duty shall be assessed on the bottles or jugs: *Provided*, That any wines, ginger cordial, or vermouth imported containing more than twenty-four per centum of alcohol shall be classed as spirits and pay duty accordingly: *And provided further*, That there shall be no constructive or other allowance for breakage, leakage, or damage on wines, liquors, cordials, or distilled spirits. Wines, cordials, brandy, and other spirituous liquors, including bitters of all kinds, and bay rum or bay water, imported in bottles or jugs, shall be packed in packages containing not less than one dozen bottles or jugs in each package, or duty shall be paid as if such package contained at least one dozen bottles or jugs, and in addition thereto, duty shall be collected on the bottles or jugs at the rates which would be chargeable thereon if imported empty. The percentage of alcohol in wines and fruit juices shall be determined in such manner as the Secretary of the Treasury shall by regulation prescribe.

308. Ale, porter, stout, and beer, in bottles or jugs, forty-five cents per gallon, but no separate or additional duty shall be assessed on the bottles or jugs; otherwise than in bottles or jugs, twenty-three cents per gallon.

309. Malt extract, fluid, in casks, twenty-three cents per gallon; in bottles or jugs, forty-five cents per gallon; solid or condensed, forty-five per centum ad valorem.

310. Cherry juice and prune juice, or prune wine, and other fruit juices, and fruit sirup, not specially provided for in this section, containing no alcohol

or not more than eighteen per centum of alcohol, seventy cents per gallon; if containing more than eighteen per centum of alcohol, seventy cents per gallon and in addition thereto two dollars and seven cents per proof gallon on the alcohol contained therein.

311. Ginger ale, ginger beer, lemonade, soda water, and other similar beverages containing no alcohol, in plain green or colored, molded or pressed, glass bottles, containing each not more than three-fourths of a pint, eighteen cents per dozen; containing more than three-fourths of a pint each and not more than one and one-half pints, twenty-eight cents per dozen; but no separate or additional duty shall be assessed on the bottles; if imported otherwise than in plain green or colored, molded or pressed, glass bottles, or in such bottles containing more than one and one-half pints each, fifty cents per gallon, and in addition thereto duty shall be collected on the bottles, or other coverings, at the rates which would be chargeable thereon if imported empty. Beverages not specially provided for containing not more than two per centum of alcohol shall be assessed for duty under this paragraph.

312. All mineral waters and all imitations of natural mineral waters, and all artificial mineral waters not specially provided for in this section, in bottles or jugs containing not more than one pint, twenty cents per dozen bottles; if containing more than one pint and not more than one quart, thirty cents per dozen bottles; if imported in bottles or in jugs containing more than one quart, twenty-four cents per gallon; if imported otherwise than in bottles or jugs, eight cents per gallon; and in addition thereto, on all of the foregoing, duty shall be collected upon the bottles or other containers at one-third of the rates that would be charged thereon if imported empty or separately.

SCHEDULE I. — COTTON MANUFACTURES.

313. Cotton thread and carded yarn, warps or warp yarn, in singles, whether on beams or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, not colored, bleached, dyed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, two and one-half cents per pound on all numbers up to and including number fifteen, one-sixth of a cent per number per pound on all numbers exceeding number fifteen and up to and including number thirty, and one-fifth of a cent per number per pound on all numbers exceeding number thirty: *Provided*, That none of the foregoing shall pay a less rate of duty than fifteen per centum ad valorem; colored, bleached, dyed, combed, or advanced beyond the condition of singles by grouping or twisting two or more single yarns together, whether on beams, or in bundles, skeins, or cops, or in any other form, except spool thread of cotton, crochet, darning, and embroidery cottons, hereinafter provided for, six cents per pound on all numbers up to and including number twenty-four, and on all numbers exceeding number twenty-four and up to number eighty, one-fourth of one cent per number per pound; on number eighty and up to number two hundred, three-tenths of one cent per number per pound; on number two hundred and above, sixty cents per pound, and one-tenth of one cent per number per pound additional for every number in excess of number two hundred; cable-laid yarns or threads, made by grouping or twisting two or more grouped or twisted yarns or threads together, not colored, bleached, or dyed, four-tenths of one cent per number per pound; colored, bleached, or dyed, nine-twentieths of one cent per number per pound: *Provided further*, That said threads and yarns, colored, bleached, dyed, combed, advanced beyond the con-

dition of singles, and cable-laid yarns or threads, as hereinbefore provided, except those (other than cable-laid threads and yarns) finer than number one hundred and forty shall not pay a less rate of duty than twenty per centum ad valorem: *And provided further*, That all the foregoing threads and yarns as hereinbefore provided, when mercerized or subjected to any similar process, shall pay, in addition to the foregoing specific rates of duty, one-fortieth of one cent per number per pound; cotton card laps, roping, silver, or roving, thirty-five per centum ad valorem. Cotton waste and flocks, manufactured or otherwise advanced in value, twenty per centum ad valorem.

314. Spool thread of cotton, crochet, darning, and embroidery cottons, on spools, reels, or balls, containing on each spool, reel, or ball, not exceeding one hundred yards of thread, six cents per dozen; exceeding one hundred yards on each spool, reel, or ball, for every additional hundred yards or fractional part thereof in excess of one hundred, six cents per dozen spools, reels, or balls; if in skeins, cones or tubes, containing less than six hundred yards each, one-half of one cent for each one hundred yards or fractional part thereof: *Provided*, That in no case shall the duty be assessed upon a less number of yards than is marked on the spools, reels, cones, tubes, skeins, or balls: *And provided further*, That none of the foregoing shall pay a less rate of duty than twenty per centum ad valorem.

315. Cotton cloth, valued at not over seven cents per square yard, not bleached, dyed, colored, stained, painted, or printed, and not exceeding fifty threads to the square inch, counting the warp and filling, one cent per square yard; if bleached, and valued at not over nine cents per square yard, one and one-fourth cents per square yard; if dyed, colored, stained, painted, or printed, and valued at not over twelve cents per square yard, two cents per square yard; cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, and valued at not over seven cents per square yard, not exceeding six square yards to the pound, one and one-fourth cents per square yard; exceeding six and not exceeding nine square yards to the pound, one and one-half cents per square yard; exceeding nine square yards to the pound, one and three-fourths cents per square yard; cotton cloth, not bleached, dyed, colored, stained, painted, or printed, not exceeding one hundred threads to the square inch, counting the warp and filling, and valued at over seven and not over nine cents per square yard, two and one-fourth cents per square yard; valued at over nine and not over ten cents per square yard, two and three-fourths cents per square yard; valued at over ten and not over twelve and one-half cents per square yard, four cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five cents per square yard; valued at over fourteen cents per square yard, six cents per square yard, but not less than twenty-five per centum ad valorem; cotton cloth, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, if bleached, and valued at not over nine cents per square yard, not exceeding six square yards to the pound, one and one-half cents per square yard; exceeding six and not exceeding nine square yards to the pound, one and three-fourths cents per square yard; exceeding nine square yards to the pound, two and one-fourth cents per square yard; cotton cloth, not exceeding one hundred threads to the square inch, counting the warp and filling, if bleached, and valued at over nine and not over eleven cents per square yard, two and three-fourths cents per square yard; valued at over eleven and not over twelve cents per square yard, four cents per square yard; valued at over twelve and not over fifteen cents per square yard, five cents per square yard;

valued at over fifteen and not over sixteen cents per square yard, six cents per square yard; valued at over sixteen cents per square yard, seven cents per square yard, but not less than twenty-five per centum ad valorem; cotton cloth, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, if dyed, colored, stained, painted, or printed, and valued at not over twelve cents per square yard, not exceeding six square yards to the pound, two and three-fourths cents per square yard; exceeding six and not exceeding nine square yards to the pound, three and one-fourth cents per square yard; exceeding nine square yards to the pound, three and one-half cents per square yard; cotton cloth, not exceeding one hundred threads to the square inch, counting the warp and filling, if dyed, colored, stained, painted, or printed, and valued at over twelve and not over twelve and one-half cents per square yard, three and three-fourths cents per square yard; valued at over twelve and one-half and not over fifteen cents per square yard, five cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, six and one-half cents per square yard; valued at over seventeen and one-half and not over twenty cents per square yard, seven and one-half cents per square yard; valued at over twenty cents per square yard, nine cents per square yard, but not less than thirty per centum ad valorem.

316. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and not exceeding one hundred and fifty threads to the square inch, counting the warp and filling, and not exceeding four square yards to the pound, one and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, two cents per square yard; exceeding six and not exceeding eight square yards to the pound, two and one-half cents per square yard; exceeding eight square yards to the pound, two and three-fourths cents per square yard; any of the foregoing valued at over nine and not over ten cents per square yard, three cents per square yard; valued at over ten but not over twelve and one-half cents per square yard, four and three-eighths cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen cents per square yard, eight cents per square yard, but not less than thirty per centum ad valorem; if bleached, and not exceeding four square yards to the pound, two and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, three cents per square yard; exceeding six and not exceeding eight square yards to the pound, three and one-half cents per square yard; exceeding eight square yards to the pound, three and three-fourths cents per square yard; any of the foregoing, bleached, and valued at over eleven and not over twelve cents per square yard, four and one-fourth cents per square yard; valued at over twelve and not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding four square yards to the pound, three and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, three and three-fourths cents per square yard; exceeding six and not exceeding eight square yards to the pound, four and one-fourth cents per square yard; exceeding eight square yards to the pound, four and one-half cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and

valued at over twelve and one-half but not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, seven cents per square yard; valued at over seventeen and one-half but not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard but not less than thirty-five per centum ad valorem.

317. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and fifty and not exceeding two hundred threads to the square inch, counting the warp and filling, and not exceeding three and one-half square yards to the pound, two cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, two and three-fourths cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, three cents per square yard; exceeding six square yards to the pound, three and one-half cents per square yard; any of the foregoing valued at over ten and not over twelve and one-half cents per square yards, four and three-eighths cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if bleached, and not exceeding three and one-half square yards to the pound, two and three-fourths cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, three and one-half cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, four cents per square yard; exceeding six square yards to the pound, four and one-fourth cents per square yard; any of the foregoing bleached, and valued at over twelve and not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three and one-half square yards to the pound, four and one-fourth cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, four and one-half cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, four and three-fourths cents per square yard; exceeding six square yards to the pound, five cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over twelve and one-half and not over fifteen cents per square yard, six cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, seven cents per square yard; valued at over seventeen and one-half and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard but not less than forty per centum ad valorem.

318. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, exceeding two hundred and not exceeding three hundred threads to the square inch, counting the warp and filling, and not exceeding two and one-half square yards to the pound, three and one-half cents per square yard; exceeding two and one-half and not exceeding three and one-half square yards to the pound, four cents per square yard; exceeding three and one-half and not exceeding

valued at over fifteen and not over sixteen cents per square yard, six cents per square yard; valued at over sixteen cents per square yard, seven cents per square yard, but not less than twenty-five per centum ad valorem; cotton cloth, exceeding fifty and not exceeding one hundred threads to the square inch, counting the warp and filling, if dyed, colored, stained, painted, or printed, and valued at not over twelve cents per square yard, not exceeding six square yards to the pound, two and three-fourths cents per square yard; exceeding six and not exceeding nine square yards to the pound, three and one-fourth cents per square yard; exceeding nine square yards to the pound, three and one-half cents per square yard; cotton cloth, not exceeding one hundred threads to the square inch, counting the warp and filling, if dyed, colored, stained, painted, or printed, and valued at over twelve and not over twelve and one-half cents per square yard, three and three-fourths cents per square yard; valued at over twelve and one-half and not over fifteen cents per square yard, five cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, six and one-half cents per square yard; valued at over seventeen and one-half and not over twenty cents per square yard, seven and one-half cents per square yard; valued at over twenty cents per square yard, nine cents per square yard, but not less than thirty per centum ad valorem.

316. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and not exceeding one hundred and fifty threads to the square inch, counting the warp and filling, and not exceeding four square yards to the pound, one and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, two cents per square yard; exceeding six and not exceeding eight square yards to the pound, two and one-half cents per square yard; exceeding eight square yards to the pound, two and three-fourths cents per square yard; any of the foregoing valued at over nine and not over ten cents per square yard, three cents per square yard; valued at over ten but not over twelve and one-half cents per square yard, four and three-eighths cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen cents per square yard, eight cents per square yard, but not less than thirty per centum ad valorem; if bleached, and not exceeding four square yards to the pound, two and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, three cents per square yard; exceeding six and not exceeding eight square yards to the pound, three and one-half cents per square yard; exceeding eight square yards to the pound, three and three-fourths cents per square yard; any of the foregoing, bleached, and valued at over eleven and not over twelve cents per square yard, four and one-fourth cents per square yard; valued at over twelve and not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding four square yards to the pound, three and one-half cents per square yard; exceeding four and not exceeding six square yards to the pound, three and three-fourths cents per square yard; exceeding six and not exceeding eight square yards to the pound, four and one-fourth cents per square yard; exceeding eight square yards to the pound, four and one-half cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and

valued at over twelve and one-half but not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, seven cents per square yard; valued at over seventeen and one-half but not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard but not less than thirty-five per centum ad valorem.

317. Cotton cloth, not bleached, dyed, colored, stained, painted, or printed, exceeding one hundred and fifty and not exceeding two hundred threads to the square inch, counting the warp and filling, and not exceeding three and one-half square yards to the pound, two cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, two and three-fourths cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, three cents per square yard; exceeding six square yards to the pound, three and one-half cents per square yard; any of the foregoing valued at over ten and not over twelve and one-half cents per square yards, four and three-eighths cents per square yard; valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if bleached, and not exceeding three and one-half square yards to the pound, two and three-fourths cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, three and one-half cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, four cents per square yard; exceeding six square yards to the pound, four and one-fourth cents per square yard; any of the foregoing bleached, and valued at over twelve and not over fifteen cents per square yard, five and one-fourth cents per square yard; valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than thirty-five per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three and one-half square yards to the pound, four and one-fourth cents per square yard; exceeding three and one-half and not exceeding four and one-half square yards to the pound, four and one-half cents per square yard; exceeding four and one-half and not exceeding six square yards to the pound, four and three-fourths cents per square yard; exceeding six square yards to the pound, five cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over twelve and one-half and not over fifteen cents per square yard, six cents per square yard; valued at over fifteen and not over seventeen and one-half cents per square yard, seven cents per square yard; valued at over seventeen and one-half and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard but not less than forty per centum ad valorem.

318. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, exceeding two hundred and not exceeding three hundred threads to the square inch, counting the warp and filling, and not exceeding two and one-half square yards to the pound, three and one-half cents per square yard; exceeding two and one-half and not exceeding three and one-half square yards to the pound, four cents per square yard; exceeding three and one-half and not exceeding

five square yards to the pound, four and one-half cents per square yard; exceeding five square yards to the pound, five cents per square yard; any of the foregoing valued at over twelve and one-half and not over fourteen cents per square yard, five and one-half cents per square yard; valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty cents per square yard, ten cents per square yard, but not less than forty per centum ad valorem; if bleached, and not exceeding two and one-half square yards to the pound, four and one-half cents per square yard; exceeding two and one-half and not exceeding three and one-half square yards to the pound, five cents per square yard; exceeding three and one-half and not exceeding five square yards to the pound, five and one-half cents per square yard; exceeding five square yards to the pound, six cents per square yard; any of the foregoing, bleached, and valued at over fifteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three and one-half square yards to the pound, six and one-fourth cents per square yard; exceeding three and one-half square yards to the pound, seven cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over seventeen and one-half and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem.

319. Cotton cloth not bleached, dyed, colored, stained, painted, or printed, exceeding three hundred threads to the square inch, counting the warp and filling, and not exceeding two square yards to the pound, four cents per square yard; exceeding two and not exceeding three square yards to the pound, four and one-half cents per square yard; exceeding three and not exceeding four square yards to the pound, five cents per square yard; exceeding four square yards to the pound, five and one-half cents per square yard; any of the foregoing valued at over fourteen and not over sixteen cents per square yard, six and one-half cents per square yard; valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem; if bleached and not exceeding two square yards to the pound, five cents per square yard; exceeding two and not exceeding three square yards to the pound, five and one-half cents per square yard; exceeding three and not exceeding four square yards to the pound, six cents per square yards; exceeding four square yards to the pound, six and one-half cents per square yard; any of the foregoing, bleached, and valued at over sixteen and not over twenty cents per square yard, eight cents per square yard; valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem; if dyed, colored, stained, painted, or printed, and not exceeding three square yards to the pound,

six and one-half cents per square yard; exceeding three square yards to the pound, eight cents per square yard; any of the foregoing, dyed, colored, stained, painted, or printed, and valued at over twenty and not over twenty-five cents per square yard, eleven and one-fourth cents per square yard; valued at over twenty-five cents per square yard, twelve and one-half cents per square yard, but not less than forty per centum ad valorem.

320. The term cotton cloth, or cloth, wherever used in the paragraphs of this schedule, unless otherwise specially provided for, shall be held to include all woven fabrics of cotton in the piece or cut in lengths, whether figured, fancy, or plain, the warp and filling threads of which can be counted by unraveling or other practicable means, and shall not include any article, finished or unfinished, made from cotton cloth. In determining the count of threads to the square inch in cotton cloth, all the warp and filling threads, whether ordinary or other than ordinary, and whether clipped or unclipped, shall be counted. In the ascertainment of the weight and value, upon which the duties, cumulative or other, imposed upon cotton cloth are made to depend, the entire fabric and all parts thereof, and all the threads of which it is composed, shall be included. The terms bleached, dyed, colored, stained, mercerized, painted, or printed, wherever applied to cotton cloth in this schedule, shall be taken to mean respectively all cotton cloth which either wholly or in part has been subjected to any of these processes, or which has any bleached, dyed, colored, stained, mercerized, painted, or printed threads in or upon any part of the fabric.

321. Cloth, composed of cotton or other vegetable fiber and silk, whether known as silk-striped sleeve linings, silk stripes, or otherwise, of which cotton or other vegetable fiber is the component material of chief value, eight cents per square yard and thirty per centum ad valorem: *Provided*, That no such cloth shall pay a less rate of duty than fifty per centum ad valorem. Cotton cloth filled or coated, all oilcloths (except silk oilcloths and oilcloths for floors), and cotton window Hollands, three cents per square yard and twenty per centum ad valorem; tracing cloth, five cents per square yard and twenty per centum ad valorem.

322. Handkerchiefs or mufflers composed of cotton, whether in the piece or otherwise and whether finished or unfinished, if not hemmed, or hemmed only, shall pay the same rate of duty on the cloth contained therein as is imposed on cotton cloth of the same description, weight, and count of threads to the square inch; but such handkerchiefs or mufflers shall not pay a less rate of duty than forty-five per centum ad valorem. If such handkerchiefs or mufflers are hemstitched, or imitation hemstitched, or revered, or have drawn threads, they shall pay a duty of ten per centum ad valorem in addition to the duty hereinbefore prescribed, and in no case less than fifty-five per centum ad valorem; if such handkerchiefs or mufflers are embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or are tamboured, appliquéed, or trimmed wholly or in part with lace or with tucking or insertion, they shall not pay a less rate of duty than sixty per centum ad valorem.

323. In addition to the duty or duties imposed upon cotton cloth by the various provisions of this section, there shall be paid the following cumulative duties, the intent of this paragraph being to add such duty or duties to those to which the cotton cloth would be liable if the provisions of this paragraph did not exist, namely: On all cotton cloth in which other than the ordinary warp and filling threads are used to form a figure or fancy effect, whether known as lappets or otherwise, one cent per square yard if valued at not more

than seven cents per square yard, and two cents per square yard if valued at more than seven cents per square yard; on all cotton cloth mercerized or subjected to any similar process, one cent per square yard.

324. Clothing, ready-made, and articles of wearing apparel of every description, composed of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, made up or manufactured, wholly or in part, by the tailor, seamstress, or manufacturer, and not otherwise provided for in this section, fifty per centum ad valorem.

325. Plushes, velvets, velveteens, corduroys, and all pile fabrics, cut or uncut, whether or not the pile covers the entire surface; any of the foregoing composed of cotton or other vegetable fiber, except flax, not bleached, dyed, colored, stained, painted, or printed, nine cents per square yard and twenty-five per centum ad valorem; if bleached, dyed, colored, stained, painted, or printed, twelve cents per square yard and twenty-five per centum ad valorem: *Provided*, That corduroys composed of cotton or other vegetable fiber, weighing seven ounces or over per square yard, shall pay a duty of eighteen cents per square yard and twenty-five per centum ad valorem: *Provided further*, That manufactures or articles in any form including such as are commonly known as bias dress facings or skirt bindings, made or cut from plushes, velvets, velveteens, corduroys, or other pile fabrics composed of cotton or other vegetable fiber, shall be subject to the foregoing rates of duty and in addition thereto ten per centum ad valorem: *Provided further*, That none of the articles or fabrics provided for in this paragraph shall pay a less rate of duty than forty-seven and one-half per centum ad valorem.

326. Curtains, table covers, and all articles manufactured of cotton chenille, or of which cotton chenille is the component material of chief value, tapestries, and other Jacquard figured upholstery goods, weighing over six ounces per square yard, composed wholly or in chief value of cotton or other vegetable fiber; any of the foregoing, in the piece or otherwise, fifty per centum ad valorem.

327. Stockings, hose and half-hose, made on knitting machines or frames, composed of cotton or other vegetable fiber, and not otherwise specially provided for in this section, thirty per centum ad valorem.

328. Stockings, hose and half-hose, selvedged, fashioned, narrowed, or shaped wholly or in part by knitting machines or frames, or knit by hand, including such as are commercially known as seamless stockings, hose and half-hose, and clocked stockings, hose and half-hose, all of the above composed of cotton or other vegetable fiber, finished or unfinished, valued at not more than one dollar per dozen pairs, seventy cents per dozen pairs; valued at more than one dollar per dozen pairs, and not more than one dollar and fifty cents per dozen pairs, eighty-five cents per dozen pairs; valued at more than one dollar and fifty cents per dozen pairs, and not more than two dollars per dozen pairs, ninety cents per dozen pairs; valued at more than two dollars per dozen pairs, and not more than three dollars per dozen pairs, one dollar and twenty cents per dozen pairs; valued at more than three dollars per dozen pairs, and not more than five dollars per dozen pairs, two dollars per dozen pairs; and in addition thereto, upon all the foregoing, fifteen per centum ad valorem; valued at more than five dollars per dozen pairs, fifty-five per centum ad valorem. Men's and boys' cotton gloves, knitted or woven, valued at not more than six dollars per dozen pairs, fifty cents per dozen pairs and forty per centum ad valorem; valued at more than six dollars per dozen pairs, fifty per centum ad valorem.

329. Shirts and drawers, pants, vests, union suits, combination suits, tights,

sweaters, corset covers and all underwear of every description made wholly or in part on knitting machines or frames, or knit by hand, finished or unfinished, not including stockings, hose and half-hose, composed of cotton or other vegetable fiber, valued at not more than one dollar and fifty cents per dozen, sixty cents per dozen and fifteen per centum ad valorem; valued at more than one dollar and fifty cents per dozen and not more than three dollars per dozen, one dollar and ten cents per dozen, and in addition thereto fifteen per centum ad valorem; valued at more than three dollars per dozen and not more than five dollars per dozen, one dollar and fifty cents per dozen, and in addition thereto twenty-five per centum ad valorem; valued at more than five dollars per dozen and not more than seven dollars per dozen, one dollar and seventy-five cents per dozen, and in addition thereto thirty-five per centum ad valorem; valued at more than seven dollars per dozen and not more than fifteen dollars per dozen, two dollars and twenty-five cents per dozen, and in addition thereto thirty-five per centum ad valorem; valued above fifteen dollars per dozen, fifty per centum ad valorem.

330. Bone casings, garters, tire fabric or fabric suitable for use in pneumatic tires, suspenders and braces, and tubing, any of the foregoing made of cotton or other vegetable fiber, and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, and not embroidered by hand or machinery, forty-five per centum ad valorem; spindle banding, woven, braided or twisted lamp, stove, or candle wicking made of cotton or other vegetable fiber, ten cents per pound and fifteen per centum ad valorem; loom harness, healds or collets made of cotton or other vegetable fiber, or of which cotton or other vegetable fiber is the component material of chief value, fifty cents per pound and twenty-five per centum ad valorem; boot, shoe, and corset lacings made of cotton or other vegetable fiber, twenty-five cents per pound and fifteen per centum ad valorem; labels, for garments or other articles, composed of cotton or other vegetable fiber, fifty cents per pound and thirty per centum ad valorem; belting for machinery made of cotton or other vegetable fiber and india rubber, or of which cotton or other vegetable fiber is the component material of chief value, thirty per centum ad valorem.

331. Cotton table damask, forty per centum ad valorem; manufactures of cotton table damask or of which cotton table damask is the component material of chief value, not specially provided for in this section, forty per centum ad valorem.

332. All articles made from cotton cloth, whether finished or unfinished, and all manufactures of cotton, or of which cotton is the component material of chief value, not specially provided for in this section, forty-five per centum ad valorem.

SCHEDULE J. — FLAX, HEMP, AND JUTE, AND MANUFACTURES OF.

333. Flax straw, five dollars per ton.

334. Flax, not hackled or dressed, one cent per pound.

335. Flax, hackled, known as "dressed line," three cents per pound.

336. Tow of flax, twenty dollars per ton.

337. Hemp, and tow of hemp, twenty-two dollars and fifty cents per ton; hemp, hackled, known as "line of hemp," forty-five dollars per ton.

338. Single yarns made of jute, not finer than five lea or number, one cent per pound and ten per centum ad valorem; if finer than five lea or number, thirty-five per centum ad valorem; yarns made of jute not otherwise specially provided for in this section, thirty-five per centum ad valorem.

339. Cables and cordage, composed of istle, Tampico fiber, manila, sisal grass or sunn, or a mixture of these or any of them, three-fourths of one cent per pound; cables and cordage made of hemp, tarred or untarred, two cents per pound.

340. Threads, twines, or cords, made from yarn not finer than five lea or number, composed of flax, hemp, or ramie, or of which these substances or either of them is the component material of chief value, ten cents per pound; if made from yarn finer than five lea or number, twelve cents per pound, and three-fourths of one cent per pound additional for each lea or number, or part of a lea or number, in excess of five.

341. Single yarns in the gray, made of flax, hemp, or ramie, or a mixture of any of them, not finer than eight lea or number, six cents per pound; finer than eight lea or number and not finer than eighty lea or number, forty per centum ad valorem; single yarns, made of flax, hemp, or ramie, or a mixture of any of them, finer than eighty lea or number, fifteen per centum ad valorem; ramie sliver or roving, thirty-five per centum ad valorem.

342. Flax gill nettings, nets, webs, and seines shall pay the same duty per pound as is imposed in this schedule upon the thread, twine, or cord of which they are made, and in addition thereto twenty per centum ad valorem.

343. Floor mattings, plain, fancy, or figured, manufactured from straw, round or split, or other vegetable substances, not otherwise provided for in this section, and having a warp of cotton, hemp, or other vegetable substance, including what are commonly known as China, Japan, and India straw matting, three and one-half cents per square yard.

344. Carpets, carpeting, mats and rugs made of flax, hemp, jute, or other vegetable fiber (except cotton), valued at not exceeding fifteen cents per square yard, four cents per square yard and thirty per centum ad valorem; valued above fifteen cents per square yard, eight cents per square yard and thirty per centum ad valorem.

345. Hydraulic or flume hose, made in whole or in part of cotton, flax, hemp, ramie, or jute, fifteen cents per pound.

346. Tapes composed wholly or in part of flax, woven with or without metal threads, on reels, spools, or otherwise, and designed expressly for use in the manufacture of measuring tapes, forty per centum ad valorem.

347. Linoleum, corticene, and all other fabrics or coverings for floors, made in part of oil or any similar product, plain, stamped, painted or printed, only, not specially provided for herein, if nine feet or under in width, eight cents per square yard and fifteen per centum ad valorem; over nine feet in width, twelve cents per square yard and fifteen per centum ad valorem; and any of the foregoing of whatever width, the composition of which forms designs or patterns, whether inlaid or otherwise, by whatever name known, and cork carpets, twenty cents per square yard and twenty per centum ad valorem; mats for floors made of oilcloth, linoleum, or corticene, shall be subject to the same rate of duty herein provided for oilcloth, linoleum, or corticene; oilcloth for floors, if nine feet or less in width, six cents per square yard and fifteen per centum ad valorem; over nine feet in width, ten cents per square yard and fifteen per centum ad valorem; waterproof cloth composed of cotton or other vegetable fiber, whether composed in part of india rubber or otherwise, ten cents per square yard and twenty per centum ad valorem.

348. Shirt collars and cuffs, composed of cotton, forty-five cents per dozen pieces and fifteen per centum ad valorem; composed in whole or in part of linen, forty cents per dozen pieces and twenty per centum ad valorem.

349. Laces, lace window curtains, and all other lace articles; handkerchiefs,

napkins, wearing apparel, and all other articles made wholly or in part of lace or laces, or in imitation of lace; nets, nettings, veils, veilings, neck ruffings, ruchings, tuckings, flutings, quillings, embroideries, trimmings, braids, feather-stitch braids, edgings, insertings, flouncings, galloons, gorings, bands, bandings, belts, beltings, bindings, cords, ornaments, ribbons, tapes, webs, and webbings; wearing apparel, handkerchiefs, and other articles or fabrics embroidered in any manner by hand or machinery, whether with a plain or fancy letter, initial, or monogram, or otherwise, or tamboured, appliquéed or scalloped, by hand or machinery, for any purpose, or from which threads have been drawn, cut, or punched to produce openwork, ornamented or embroidered in any manner herein described, in any part thereof, however small; hemstitched or tucked flouncings or skirtings; all of the foregoing, composed wholly or in chief value of cotton, flax, or other vegetable fiber, or of cotton, flax, or other vegetable fiber and india rubber, or of cotton, flax, or other vegetable fiber, india rubber, and metal, and not elsewhere specially provided for in this section, sixty per centum ad valorem: *Provided*, That no article composed wholly or in chief value of one or more of the materials or goods specified in this paragraph, shall pay a less rate of duty than the highest rate imposed by this section upon any of the materials or goods of which the same is composed: *And provided further*, That no article or fabric of any description, composed of flax or other vegetable fiber, or of which these materials or any of them is the component material of chief value, when embroidered by hand or machinery, or having hand or machinery embroidery thereon, shall pay a less rate of duty than that imposed in this section upon any embroideries of the materials of which such embroidery is composed.

350. Laces, embroideries, edgings, insertings, galloons, flouncings, nets, nettings, trimmings, and veils, composed of cotton, silk, artificial silk, or other material (except wool), made on the Lever or Gothrough machine, seventy per centum ad valorem: *Provided*, That no wearing apparel, handkerchiefs, or articles of any description, composed wholly or in chief value of any of the foregoing, shall pay a less rate of duty than that imposed upon the articles or the materials of which the same are composed.

351. Lace window curtains, nets, nettings, pillow shams, and bed sets, finished or unfinished, made on the Nottingham lace-curtain machine or on the Nottingham warp machine, and composed of cotton or other vegetable fiber, when counting five points or spaces between the warp threads to the inch, one cent per square yard; when counting more than five such points or spaces to the inch, one-half of one cent per square yard in addition for each such point or space to the inch in excess of five; and in addition thereto, on all the foregoing articles in this paragraph, twenty per centum ad valorem: *Provided*, That none of the above-named articles shall pay a less rate of duty than fifty per centum ad valorem.

352. Plain woven fabrics of single jute yarns, by whatever name known, weighing not less than six ounces per square yard and not exceeding thirty threads to the square inch, counting the warp and filling, nine-sixteenths of one cent per pound and fifteen per centum ad valorem; if exceeding thirty and not exceeding fifty-five threads to the square inch, counting the warp and filling, seven-eighths of one cent per pound and fifteen per centum ad valorem.

353. All pile fabrics, whether or not the pile covers the entire surface, composed of flax, or of which flax is the component material of chief value, and all articles and manufactures made from such fabrics, not specially provided for in this section, sixty per centum ad valorem.

354. Bags or sacks made from plain woven fabrics, of single jute yarns,

not dyed, colored, stained, painted, printed, or bleached, and not exceeding thirty threads to the square inch, counting the warp and filling, seven-eighths of one cent per pound and fifteen per centum ad valorem.

355. Bagging for cotton, gunny cloth, and similar fabrics, suitable for covering cotton, composed of single yarns made of jute, jute butts, or hemp, not bleached, dyed, colored, stained, painted, or printed, not exceeding sixteen threads to the square inch, counting the warp and filling, and weighing not less than fifteen ounces per square yard, six-tenths of one cent per square yard.

356. Handkerchiefs composed of flax, hemp, or ramie, or of which these substances, or either of them, is the component material of chief value, whether in the piece or otherwise, and whether finished or unfinished, not hemmed or hemmed only, fifty per centum ad valorem; if hemstitched, or imitation hemstitched, or reversed, or with drawn threads, but not embroidered, initialed, or in part of lace, fifty-five per centum ad valorem.

357. Woven fabrics and articles not specially provided for in this section, composed of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, weighing four and one-half ounces or more per square yard, when containing not more than sixty threads to the square inch, counting the warp and filling, one and three-fourths cents per square yard; containing more than sixty and not more than one hundred and twenty threads to the square inch, two and three-fourths cents per square yard; containing more than one hundred and twenty and not more than one hundred and eighty threads to the square inch, six cents per square yard; containing more than one hundred and eighty threads to the square inch, nine cents per square yard, and in addition thereto, on all the foregoing, thirty per centum ad valorem: *Provided*, That none of the foregoing articles or fabrics in this paragraph shall pay a less rate of duty than fifty per centum ad valorem. Plain woven fabrics, not including articles, finished or unfinished, of flax, hemp, or ramie, or of which these substances or any of them is the component material of chief value, including such as is known as shirting cloth; weighing less than four and one-half ounces per square yard and containing more than one hundred threads to the square inch, counting the warp and filling, thirty-five per centum ad valorem; weighing less than four and one-half ounces per square yard and containing not more than one hundred threads to the square inch, thirty per centum ad valorem.

358. All woven articles, finished or unfinished, and all manufactures of flax, hemp, ramie, or other vegetable fiber, or of which these substances, or any of them, is the component material of chief value, not specially provided for in this section, forty-five per centum ad valorem.

359. Istle or tampico, when dressed, dyed, or combed, twenty per centum ad valorem.

SCHEDULE K. — WOOL, AND MANUFACTURES OF.

360. All wools, hair of the camel, goat, alpaca, and other like animals shall be divided, for the purpose of fixing the duties to be charged thereon, into the three following classes:

361. Class one, that is to say, merino, mestiza, metz, or metis wools, or other wools of Merino blood, immediate or remote, Down clothing wools, and wools of like character with any of the preceding, including Bagdad wool, China lamb's wool, Castel Branco, Adrianople skin wool or butcher's wool, and such as have been heretofore usually imported into the United States from Buenos Aires, New Zealand, Australia, Cape of Good Hope, Russia, Great Britain,

Canada, Egypt, Morocco, and elsewhere, and all wools not hereinafter included in classes two and three.

362. Class two, that is to say, Leicester, Cotswold, Lincolnshire, Down combing wools, Canada long wools, or other like combing wools of English blood, and usually known by the terms herein used, and also hair of the camel, Angora goat, alpaca, and other like animals.

363. Class three, that is to say, Donskoi, native South American, Cordova, Valparaiso, native Smyrna, Russian camel's hair, and all such wools of like character as have been heretofore usually imported into the United States from Turkey, Greece, Syria, and elsewhere, excepting improved wools hereinafter provided for.

364. The standard samples of all wools which are now or may be hereafter deposited in the principal custom-houses of the United States, under the authority of the Secretary of the Treasury, shall be the standards for the classification of wools under this Act, and the Secretary of the Treasury is authorized to renew these standards and to make such additions to them from time to time as may be required, and he shall cause to be deposited like standards in other custom-houses of the United States when they may be needed.

365. Whenever wools of class three shall have been improved by the admixture of Merino or English blood, from their present character as represented by the standard samples now or hereafter to be deposited in the principal custom-houses of the United States, such improved wools shall be classified for duty either as class one or as class two, as the case may be.

366. The duty on wools of the first class which shall be imported washed shall be twice the amount of the duty to which they would be subjected if imported unwashed; and the duty on wools of the first and second classes which shall be imported scoured shall be three times the duty to which they would be subjected if imported unwashed. The duty on wools of the third class, if imported in condition for use in carding or spinning into yarns, or which shall not contain more than eight per centum of dirt or other foreign substance, shall be three times the duty to which they would otherwise be subjected.

367. Unwashed wools shall be considered such as shall have been shorn from the sheep without any cleansing; that is, in their natural condition. Washed wools shall be considered such as have been washed with water only on the sheep's back, or on the skin. Wools of the first and second classes washed in any other manner than on the sheep's back or on the skin shall be considered as scoured wool.

368. The duty upon wool of the sheep or hair of the camel, Angora goat, alpaca, and other like animals, of class one and class two, which shall be imported in any other than ordinary condition, or which has been sorted or increased in value by the rejection of any part of the original fleece, shall be twice the duty to which it would be otherwise subject: *Provided*, That skirted wools as imported in eighteen hundred and ninety and prior thereto are hereby excepted. The duty upon wool of the sheep or hair of the camel, Angora goat, alpaca, and other like animals of any class which shall be changed in its character or condition for the purpose of evading the duty, or which shall be reduced in value by the admixture of dirt or any other foreign substance, shall be twice the duty to which it would be otherwise subject. When the duty assessed upon any wool equals three times or more that which would be assessed if said wool was imported unwashed, the duty shall not be doubled on account of the wool being sorted. If any bale or package of wool or hair specified in this Act invoiced or entered as of any specified class, or claimed by the importer to be dutiable as of any specified class, shall contain any wool or hair

subject to a higher rate of duty than the class so specified, the whole bale or package shall be subject to the highest rate of duty chargeable on wool of the class subject to such higher rate of duty, and if any bale or package be claimed by the importer to be shoddy, mungo, flocks, wool, hair, or other material of any class specified in this Act, and such bale contain any admixture of any one or more of said materials, or of any other material, the whole bale or package shall be subject to duty at the highest rate imposed upon any article in said bale or package.

369. The duty upon all wools and hair of the first class shall be eleven cents per pound, and upon all wools or hair of the second class twelve cents per pound.

370. On wools of the third class and on camel's hair of the third class the value whereof shall be twelve cents or less per pound, the duty shall be four cents per pound. On wools of the third class, and on camel's hair of the third class, the value whereof shall exceed twelve cents per pound, the duty shall be seven cents per pound.

371. The duty on wools on the skin shall be one cent less per pound than is imposed in this schedule on other wools of the same class and condition, the quantity and value to be ascertained under such rules as the Secretary of the Treasury may prescribe.

372. Top waste, slubbing waste, roving waste, ring waste, and garnetted waste, thirty cents per pound.

373. Shoddy, twenty-five cents per pound; noils, wool extract, yarn waste, thread waste, and all other wastes composed wholly or in part of wool, and not specially provided for in this section, twenty cents per pound.

374. Woolen rags, mungo, and flocks, ten cents per pound.

375. On combed wool or tops, made wholly or in part of wool or camel's hair, valued at not more than twenty cents per pound, the duty per pound shall be two and one-fourth times the duty imposed by this schedule on one pound of unwashed wool of the first class; valued at more than twenty cents per pound, the duty per pound shall be three and one-third times the duty imposed by this schedule on one pound of unwashed wool of the first class; and in addition thereto, upon all the foregoing, thirty per centum ad valorem.

376. Wool and hair which have been advanced in any manner or by any process of manufacture beyond the washed or scoured condition, not specially provided for in this section, shall be subject to the same duties as are imposed upon manufactures of wool not specially provided for in this section.

377. On yarns made wholly or in part of wool, valued at not more than thirty cents per pound, the duty per pound shall be two and one-half times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto thirty-five per centum ad valorem; valued at more than thirty cents per pound, the duty per pound shall be three and one-half times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem.

378. On cloths, knit fabrics, and all manufactures of every description made wholly or in part of wool, not specially provided for in this section, valued at not more than forty cents per pound, the duty per pound shall be three times the duty imposed by this section on a pound of unwashed wool of the first class; valued at above forty cents per pound and not above seventy cents per pound, the duty per pound shall be four times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto, upon all the foregoing, fifty per centum ad valorem; valued at over seventy cents per pound, the duty per pound shall be four times the duty im-

posed by this section on one pound of unwashed wool of the first class and fifty-five per centum ad valorem.

379. On blankets, and flannels for underwear composed wholly or in part of wool, valued at not more than forty cents per pound, the duty per pound shall be the same as the duty imposed by this section on two pounds of unwashed wool of the first class, and in addition thereto thirty per centum ad valorem; valued at more than forty cents and not more than fifty cents per pound, the duty per pound shall be three times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto thirty-five per centum ad valorem. On blankets composed wholly or in part of wool, valued at more than fifty cents per pound, the duty per pound shall be three times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto forty per centum ad valorem. Flannels composed wholly or in part of wool, valued at above fifty cents per pound, shall be classified and pay the same duty as women's and children's dress goods, coat linings, Italian cloths, and goods of similar character and description provided by this section: *Provided*, That on blankets over three yards in length the same duties shall be paid as on cloths.

380. On women's and children's dress goods, coat linings, Italian cloths, and goods of similar description and character of which the warp consists wholly of cotton or other vegetable material with the remainder of the fabric composed wholly or in part of wool, valued at not exceeding fifteen cents per square yard, the duty shall be seven cents per square yard; valued at more than fifteen cents per square yard, the duty shall be eight cents per square yard; and in addition thereto on all the foregoing valued at not above seventy cents per pound, fifty per centum ad valorem; valued above seventy cents per pound, fifty-five per centum ad valorem: *Provided*, That on all the foregoing, weighing over four ounces per square yard, the rates of duty shall be five per centum less than those imposed by this schedule on cloths.

381. On women's and children's dress goods, coat linings, Italian cloths, bunting, and goods of similar description or character composed wholly or in part of wool, and not specially provided for in this section, the duty shall be eleven cents per square yard; and in addition thereto on all the foregoing valued at not above seventy cents per pound, fifty per centum ad valorem; valued above seventy cents per pound, fifty-five per centum ad valorem: *Provided*, That on all the foregoing, weighing over four ounces per square yard, the duty shall be the same as imposed by this schedule on cloths.

382. On clothing, ready-made, and articles of wearing apparel of every description, including shawls whether knitted or woven, and knitted articles of every description made up or manufactured wholly or in part, felts not woven, and not specially provided for in this section, composed wholly or in part of wool, the duty per pound shall be four times the duty imposed by this section on one pound of unwashed wool of the first class, and in addition thereto sixty per centum ad valorem.

383. Webbing, gorings, suspenders, braces, bandings, beltings, bindings, braids, galloons, edgings, insertings, flouncings, fringes, gimps, cords, cords and tassels, ribbons, ornaments, laces, trimmings, and articles made wholly or in part of lace, embroideries and all articles embroidered by hand or machinery, head nets, nettings, buttons or barrel buttons or buttons of other forms for tassels or ornaments, and manufactures of wool ornamented with beads or spangles of whatever material composed, any of the foregoing made of wool or of which wool is a component material, whether containing india rubber or not, fifty cents per pound and sixty per centum ad valorem.

384. Aubusson, Axminster, moquette, and chenille carpets, figured or plain, and all carpets or carpeting of like character or description, sixty cents per square yard and in addition thereto forty per centum ad valorem.

385. Saxony, Wilton, and Tournay velvet carpets, figured or plain, and all carpets or carpeting of like character or description, sixty cents per square yard and in addition thereto forty per centum ad valorem.

386. Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, forty-four cents per square yard and in addition thereto forty per centum ad valorem.

387. Velvet and tapestry velvet carpets, figured or plain, printed on the warp or otherwise, and all carpets or carpeting of like character or description, forty cents per square yard and in addition thereto forty per centum ad valorem.

388. Tapestry Brussels carpets, figured or plain, and all carpets or carpeting of like character or description, printed on the warp or otherwise, twenty-eight cents per square yard and in addition thereto forty per centum ad valorem.

389. Treble ingrain, three-ply, and all chain Venetian carpets, twenty-two cents per square yard and in addition thereto forty per centum ad valorem.

390. Wool Dutch and two-ply ingrain carpets, eighteen cents per square yard and in addition thereto forty per centum ad valorem.

391. Carpets of every description, woven whole for rooms, and Oriental, Berlin, Aubusson, Axminster, and similar rugs, ten cents per square foot and forty per centum ad valorem: *Provided*, That in the measurement of all mats, rugs, carpets and similar articles, of whatever material composed, the selvage, if any, shall be included.

392. Druggets and bookings, printed, colored, or otherwise, twenty-two cents per square yard and in addition thereto forty per centum ad valorem.

393. Carpets and carpeting of wool, flax, or cotton, or composed in part of any of them, not specially provided for in this section, and mats, matting, and rugs of cotton, fifty per centum ad valorem.

394. Mats, rugs for floors, screens, covers, hassocks, bed sides, art squares, and other portions of carpets or carpeting made wholly or in part of wool, and not specially provided for in this section, shall be subjected to the rate of duty herein imposed on carpets or carpetings of like character or description.

395. Whenever, in any schedule of this Act, the word "wool" is used in connection with a manufactured article of which it is a component material, it shall be held to include wool or hair of the sheep, camel, goat, alpaca or other animal, whether manufactured by the woolen, worsted, felt, or any other process.

SCHEDULE L. — SILKS AND SILK GOODS.

396. Silk partially manufactured from cocoons or from waste silk, and not further advanced or manufactured than carded or combed silk, thirty-five cents per pound.

397. Spun silk or schappe silk yarn, valued at not exceeding one dollar per pound, whether in singles, or advanced beyond the condition of singles by grouping or twisting two or more yarns together, thirty-five cents per pound; if valued at exceeding one dollar per pound, in the gray, in skeins, warps, or cops, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, forty-five cents per pound, and in addition

thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, forty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, fifty cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, fifty cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if valued at exceeding one dollar per pound, in the gray, on bobbins, spools, or beams, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, fifty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, fifty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, sixty cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, sixty cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if valued at exceeding one dollar per pound, colored, bleached, or dyed, in skeins or warps, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, fifty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, fifty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, sixty cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, sixty cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if valued at exceeding one dollar per pound, colored, bleached, or dyed, on bobbins, cops, spools, or beams, if in singles or not advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, sixty-five cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; exceeding number two hundred and five, sixty-five cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound; if advanced beyond the condition of singles by grouping or twisting two or more yarns together, on all numbers up to and including number two hundred and five, seventy cents per pound, and in addition thereto ten one-hundredths of one cent per number per pound; on all numbers exceeding number two hundred and five, seventy cents per pound, and in addition thereto fifteen one-hundredths of one cent per number per pound. In assessing duty on all spun silk or schappe silk yarn, the number indicating the size of the yarn shall be taken according to the metric or French system, and shall, in all cases, refer to the size of the singles: *Provided*, That in no case shall the duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams. But in no case shall any of the goods enumerated in this paragraph pay less rate of duty than thirty-five per centum ad valorem.

398. Thrown silk in the gum, if singles, fifty cents per pound; if tram,

seventy-five cents per pound; if organzine, one dollar per pound; and if ungummed, wholly or in part, or if further advanced by any process of manufacture, in addition to the rates herein provided, fifty cents per pound. Sewing silk, twist, floss, and silk threads or yarns of any description made from raw silk, not specially provided for in this section, if in the gum, one dollar per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture, one dollar and fifty cents per pound: *Provided*, That in no case shall duty be assessed on a less number of yards than is marked on the skeins, bobbins, cops, spools, or beams.

399. Velvets, chenilles, and other pile fabrics, not specially provided for in this section, cut or uncut, composed wholly or in chief value of silk, weighing not less than five and three-fourths ounces per square yard, one dollar and fifty cents per pound; weighing less than five and three-fourths ounces per square yard, but not less than four ounces, or if all the filling is not cotton, two dollars and seventy-five cents per pound; if all the filling is cotton, two dollars per pound; all the foregoing weighing less than four ounces to the square yard, four dollars per pound. Plushes, cut or uncut, composed wholly or in chief value of silk, weighing not less than nine and one-half ounces per square yard, one dollar per pound; weighing less than nine and one-half ounces per square yard, two dollars and forty cents per pound. Measurements to ascertain widths of goods for determining weight per square yard of the foregoing articles shall not include the selvages, but the duty shall be levied upon the total weight of goods, including the selvages. The distinction between "plushes" and "velvets" shall be determined by the length of the pile; those having pile exceeding one-seventh of one inch in length, to be taken as "plushes;" those having pile one-seventh of one inch or less in length, shall be taken as "velvets." The distance from the end of the pile to the bottom of the first binding pick shall be considered as the length of the pile. Velvet or plush ribbons, or other pile fabrics not over twelve inches and not less than three-fourths of one inch in width, cut or uncut, of which silk is the component material of chief value, not specially provided for in this section, containing no silk except that in the pile and selvages; if black, one dollar and sixty cents per pound; if other than black, one dollar and seventy-five cents per pound; if containing silk other than that in the pile and selvages; if black, two dollars per pound; if other than black, two dollars and twenty-five cents per pound; for each one-fourth of one inch or fraction thereof, less than three-fourths of one inch in width, there shall be paid in addition to the above rates, forty cents per pound. Woven fabrics in the piece, composed wholly or in chief value of silk, not specially provided for in this section, weighing not more than one-third of one ounce per square yard, four dollars per pound; weighing more than one-third of one ounce, but not more than two-thirds of one ounce per square yard; if in the gum, three dollars per pound; if ungummed, wholly or in part, three dollars and twenty-five cents per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars and fifty cents per pound; if weighing more than two-thirds of one ounce but not more than one ounce per square yard; if in the gum, two dollars and sixty-five cents per pound; if ungummed, wholly or in part, three dollars per pound; if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars and twenty-five cents per pound; if weighing more than one ounce but not more than one and one-third ounces per square yard; if in the gum, two dollars and fifty cents per pound; if ungummed, wholly or in part, two dollars and eighty-five cents per pound; if further advanced by any process of manufacture or

otherwise, or if dyed or printed in the piece, three dollars and ten cents per pound; if weighing more than one and one-third ounces, but not more than two and one-half ounces, and if containing not more than twenty per centum in weight of silk, if in the gum, seventy cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, eighty-five cents per pound; if containing more than twenty per centum, but not more than thirty per centum in weight of silk; if in the gum, eighty-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and ten cents per pound; if containing more than thirty per centum, but not more than forty per centum in weight of silk; if in the gum, one dollar and five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and twenty-five cents per pound; if containing more than forty per centum, but not more than fifty per centum in weight of silk; if in the gum, one dollar and twenty-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and fifty cents per pound; if containing more than fifty per centum in weight of silk or if wholly of silk; if in the gum, two dollars and fifty cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, three dollars per pound; if weighing more than two and one-half ounces, but not more than eight ounces per square yard, and if containing not more than twenty per centum in weight of silk; if in the gum, fifty-seven and one-half cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, seventy cents per pound; if containing more than twenty per centum, but not more than thirty per centum in weight of silk; if in the gum, seventy-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, ninety cents per pound; if containing more than thirty per centum, but not more than forty per centum in weight of silk; if in the gum, ninety cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and ten cents per pound; if containing more than forty per centum, but not more than fifty per centum in weight of silk; if in the gum, one dollar and ten cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture or otherwise, or if dyed or printed in the piece, one dollar and thirty cents per pound; if containing more than fifty per centum in weight of silk, or if wholly of silk; if in the gum, two dollars and twenty-five cents per pound; if ungummed, wholly or in part, or if further advanced by any process of manufacture, or otherwise, or if dyed or printed in the piece, two dollars and seventy-five cents per pound. Woven fabrics in the piece, composed wholly or of chief value of silk, if dyed in the thread or yarn, and the weight is not increased in dyeing beyond the original weight of raw silk, if containing less than thirty per centum in silk, one dollar and twenty-five cents per pound; if containing more than thirty per centum but not more than forty-five per centum in weight of silk, one dollar and sixty cents per pound; if containing more than forty-five per centum in weight of silk, three dollars per pound; if weight is increased in dyeing beyond the original weight of raw silk; if weighing more than one-third of one ounce, but not more than one ounce, per square yard; if black (except selvedges), two dollars and twenty-five cents per pound; if

other than black, three dollars per pound; if weighing more than one ounce, but not more than one and one-third ounces per square yard; if black (except selvages), two dollars per pound; if other than black, two dollars and seventy-five cents per pound; if weighing more than one and one-third but not more than one and two-thirds ounces per square yard; if black (except selvages), one dollar and eighty cents per pound; if other than black, two dollars and fifty cents per pound; if weighing more than one and two-thirds but not more than two ounces per square yard; if black (except selvages), one dollar and sixty-five cents per pound; if other than black, two dollars and twenty-five cents per pound; if weighing more than two but not more than eight ounces per square yard, and if containing not more than thirty per centum in weight of silk; if black (except selvages), seventy-five cents per pound; if other than black, ninety cents per pound; if containing more than thirty per centum but not more than forty-five per centum in weight of silk; if black (except selvages), one dollar and ten cents per pound; if other than black, one dollar and thirty cents per pound; if containing more than forty-five per centum in weight of silk, but not more than sixty per centum; if black (except selvages), one dollar and forty cents per pound; if other than black, one dollar and sixty cents per pound; if containing more than sixty per centum in weight of silk, or if composed wholly of silk, and if having not more than four hundred and forty single threads to the inch in the warp; if black (except selvages), one dollar and fifty cents per pound; if other than black, two dollars per pound; if having more than four hundred and forty, but not more than six hundred single threads to the inch in the warp; if black (except selvages), one dollar and sixty-five cents per pound; if other than black, two dollars and twenty-five cents per pound; if having more than six hundred, but not more than seven hundred and sixty single threads to the inch in the warp; if black (except selvages), one dollar and eighty cents per pound; if other than black, two dollars and fifty cents per pound; if having more than seven hundred and sixty, but not more than nine hundred and twenty single threads to the inch in the warp; if black (except selvages), two dollars per pound; if other than black, two dollars and seventy-five cents per pound; if having more than nine hundred and twenty single threads to the inch in the warp; if black (except selvages), two dollars and twenty-five cents per pound; if other than black, three dollars per pound; if printed in the warp and weighing not more than one and one-third ounces per square yard, three dollars and fifty cents per pound; weighing more than one and one-third but not more than two ounces per square yard, three dollars and twenty-five cents per pound; weighing more than two ounces per square yard, two dollars and seventy-five cents per pound. But in no case shall any goods made on Jacquard looms or any goods containing more than one color in the filling, or any of the goods enumerated in this paragraph, including such as have India rubber as a component material, pay a less rate of duty than forty-five per centum ad valorem.

400. Handkerchiefs or mufflers composed wholly or in chief value of silk, finished or unfinished, if cut, not hemmed or hemmed only, shall pay fifty per centum ad valorem; if such handkerchiefs or mufflers are hemstitched or imitation hemstitched, or revered, or have drawn threads, or are embroidered in any manner, whether with an initial letter, monogram, or otherwise, by hand or machinery, or are tamboured, appliquéed, or having tucking or insertion, sixty per centum ad valorem.

401. Ribbons, bandings, including hatbands, beltings, bindings, all of the foregoing not exceeding twelve inches in width, and if with fast edges, bone casings, braces, cords, cords and tassels, garters, gorings, suspenders, tubings,

and webs and webbings, composed wholly or in chief value of silk, and whether composed in any part of India rubber or otherwise, if not embroidered in any manner, by hand or machinery, fifty per centum ad valorem.

402. Laces, edgings, insertings, galloons, flouncings, neck ruffings, ruchings, braids, fringes, trimmings, ornaments, nets or nettings, veils or veilings, and articles made wholly or in part of any of the foregoing, or of chiffons, embroideries and articles embroidered by hand or machinery, or tamboured or appliquéed, clothing ready made, and articles of wearing apparel of every description, including knit goods, made up or manufactured in whole or in part by the tailor, seamstress, or manufacturer; all of the foregoing composed of silk, or of silk and metal, or of which silk is the component material of chief value, whether in part of India rubber or otherwise and braid composed in part of India rubber, not specially provided for in this section, and silk goods ornamented with beads or spangles, sixty per centum ad valorem: *Provided*, That articles composed wholly or in chief value of any of the materials or goods dutiable under this paragraph shall pay not less than the rate of duty imposed upon such materials or goods by this section: *Provided further*, That tamboured, embroidered, or appliquéed articles or fabrics shall pay no less rate of duty than that imposed upon the material if not so tamboured, embroidered, or appliquéed.

403. All manufactures of silk, or of which silk is the component material of chief value, including such as have India rubber as a component material, not specially provided for in this section, fifty per centum ad valorem: *Provided*, That all manufactures of silk enumerated under any paragraph of this schedule, if composed in any part of wool, shall be classified and assessed for duty as manufactures of wool.

404. In ascertaining the weight of silk under the provisions of this schedule, either in the threads, yarns, or fabrics, the weight shall be taken in the condition in which found in the goods, without deductions therefrom for any dye, coloring matter, or other foreign substance or material. The number of single threads to the inch in the warp provided for in this schedule shall be determined by the number of spun or reeled singles of which such single or two or more ply threads are composed.

405. Yarns, threads, filaments of artificial or imitation silk, or of artificial or imitation horsehair, by whatever name known, and by whatever process made, if in the form of singles, forty-five cents per pound; if in the form of tram, fifty cents per pound; if in the form of organzine, sixty cents per pound: *Provided*, That in no case shall any yarns, threads, or filaments of artificial or imitation silk or imitation horsehair, or any yarns, threads, or filaments made from waste of such materials, pay a less rate of duty than thirty per centum ad valorem; braids, laces, embroideries, galloons, neck ruffings, ruchings, fringes, trimmings, beltings, cords, tassels, ribbons, or other articles of fabrics composed wholly or in chief value of yarns, threads, filaments, or fibers of artificial or imitation silk or of artificial or imitation horsehair, by whatever name known, and by whatever process made, forty-five cents per pound, and in addition thereto, sixty per centum ad valorem.

SCHEDULE M. — PULP, PAPERS, AND BOOKS.

406. Mechanically ground wood pulp, one-twelfth of one cent per pound, dry weight: *Provided, however*, That mechanically ground wood pulp shall be admitted free of duty from any country, dependency, province, or other subdivision of government (being the product thereof) which does not forbid or re-

strict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) or impose any export duty, export license fee, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee or otherwise) upon printing paper, mechanically ground wood pulp, or wood for use in the manufacture of wood pulp: *Provided further*, That if any country, dependency, province, or other subdivision of government, shall impose an export duty or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge, or license fee, or otherwise) upon printing paper, mechanically ground wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty or other export charge shall be added as an additional duty to the duty herein imposed upon mechanically ground wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government. Chemical wood pulp, unbleached, one-sixth of one cent per pound, dry weight; bleached, one-fourth of one cent per pound, dry weight: *Provided*, That if any country, dependency, province, or other subdivision of government shall impose an export duty, or other export charge of any kind whatsoever, either directly or indirectly (whether in the form of additional charge or license fee or otherwise) upon printing paper, chemical wood pulp, or wood for use in the manufacture of wood pulp, the amount of such export duty, or other export charge, shall be added as an additional duty to the duties herein imposed upon chemical wood pulp when imported directly or indirectly from such country, dependency, province, or other subdivision of government.

407. Sheathing paper and roofing felt, ten per centum ad valorem.

408. Filter masse or filter stock, composed wholly or in part of wood pulp, wood flour, cotton or other vegetable fiber, one and one-half cents per pound and fifteen per centum ad valorem.

409. Printing paper (other than paper commercially known as handmade or machine handmade paper, japan paper, and imitation japan paper by whatever name known), unsized, sized, or glued, suitable for the printing of books and newspapers, but not for covers or bindings, not specially provided for in this section, valued at not above two and one-fourth cents per pound, three-sixteenths of one cent per pound; valued above two and one-fourth cents and not above two and one-half cents per pound, three-tenths of one cent per pound; valued above two and one-half cents per pound and not above four cents per pound, five-tenths of one cent per pound; valued above four cents and not above five cents per pound, eight-tenths of one cent per pound; valued above five cents per pound, fifteen per centum ad valorem: *Provided, however*, That if any country, dependency, province, or other subdivision of government shall forbid or restrict in any way the exportation of (whether by law, order, regulation, contractual relation, or otherwise, directly or indirectly) or impose any export duty, export license fee, or other export charge of any kind whatsoever (whether in the form of additional charge or license fee or otherwise) upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp, there shall be imposed upon printing paper when imported either directly or indirectly from such country, dependency, province, or other subdivision of government, an additional duty of one-tenth of one cent per pound when valued at three cents per pound, or less, and in addition thereto the amount of such export duty or other export charge imposed by such country, dependency, province, or other subdivision of government, upon printing paper, wood pulp, or wood for use in the manufacture of wood pulp.

410. Papers commonly known as copying paper, stereotype paper, bibulous

paper, tissue paper, pottery paper, and all papers not specially provided for in this section, colored or uncolored, white or printed, weighing not over six pounds to the ream of four hundred and eighty sheets, on the basis of twenty by thirty inches, and whether in reams or any other form, six cents per pound and fifteen per centum ad valorem; if weighing over six pounds and less than ten pounds to the ream, and letter copying books, whether wholly or partly manufactured, five cents per pound and fifteen per centum ad valorem; crepe paper and filtering paper, five cents per pound and fifteen per centum ad valorem: *Provided*, That no article composed wholly or in chief value of one or more of the papers specified in this paragraph shall pay a less rate of duty than that imposed upon the component paper of chief value of which such article is made.

411. Papers with coated surface or surfaces, not specially provided for in this section, five cents per pound; if wholly or partly covered with metal or its solutions (except as hereinafter provided), or with gelatin or flock, or if embossed or printed, five cents per pound and twenty per centum ad valorem; papers, including wrapping paper, with the surface decorated or covered with a design, fancy effect, pattern or character, whether produced in the pulp or otherwise, but not by lithographic process, four and one-half cents per pound; if embossed, or wholly or partly covered with metal or its solutions, or with gelatin or flock, five cents per pound and twenty per centum ad valorem: *Provided*, That paper wholly or partly covered with metal or its solutions, and weighing less than fifteen pounds per ream of four hundred and eighty sheets, on a basis of twenty by twenty-five inches, shall pay a duty of five cents per pound and twenty-five per centum ad valorem; parchment papers, and grease-proof and imitation parchment papers which have been supercalendered and rendered transparent, or partially so, by whatever name known, two cents per pound and ten per centum ad valorem; all other grease-proof and imitation parchment papers, not specially provided for in this section, by whatever name known, two cents per pound and ten per centum ad valorem; bags, envelopes, printed matter other than lithographic, and all other articles composed wholly or in chief value of any of the foregoing papers, not specially provided for in this section, and all boxes of paper or wood covered with any of the foregoing paper, five cents a pound and thirty per centum ad valorem; albumenized or sensitized paper or paper otherwise surface coated for photographic purposes, thirty per centum ad valorem; plain basic papers for albumenizing, sensitizing, baryta coating, or for photographic or solar printing processes, three cents per pound and ten per centum ad valorem.

412. Pictures, calendars, cards, labels, flaps, cigar bands, placards, and other articles, composed wholly or in chief value of paper, lithographically printed in whole or in part from stone, metal, or material other than gelatin (except boxes, views of American scenery or objects, and music, and illustrations when forming part of a periodical or newspaper, or of bound or unbound books, accompanying the same, not specially provided for in this section), shall pay duty at the following rates: Labels and flaps, printed in less than eight colors (bronze printing to be counted as two colors), but not printed in whole or in part in metal leaf, twenty cents per pound; cigar bands of the same number of colors and printings, thirty cents per pound; labels and flaps printed in eight or more colors, but not printed in whole or in part in metal leaf, thirty cents per pound; cigar bands of the same number of colors and printings, forty cents per pound; labels and flaps, printed in whole or in part in metal leaf, fifty cents per pound; cigar bands, printed in whole or in part in metal leaf, fifty-five cents per pound; all labels, flaps, and bands not exceeding ten square

inches cutting size in dimensions, if embossed or die-cut, shall pay the same rate of duty as hereinbefore provided for cigar bands of the same number of colors and printings (but no extra duty shall be assessed on labels, flaps, and bands for embossing or die-cutting); booklets, seven cents per pound; books of paper or other material for children's use, not exceeding in weight twenty-four ounces each, six cents per pound; fashion magazines or periodicals, printed in whole or in part by lithographic process, or decorated by hand, eight cents per pound; booklets, decorated in whole or in part by hand or by spraying, whether or not lithographed, fifteen cents per pound; decalcomanias in ceramic colors, weighing not over one hundred pounds per thousand sheets on the basis of twenty by thirty inches in dimensions, seventy cents per pound and fifteen per centum ad valorem; weighing over one hundred pounds per thousand sheets on the basis of twenty by thirty inches in dimensions, twenty-two cents per pound and fifteen per centum ad valorem; if backed with metal leaf, sixty-five cents per pound; all other decalcomanias, except toy decalcomanias, forty cents per pound; all other articles than those hereinbefore specially provided for in this paragraph, not exceeding eight one-thousandths of one inch in thickness, twenty cents per pound; exceeding eight and not exceeding twenty one-thousandths of one inch in thickness, and less than thirty-five square inches cutting size in dimensions, eight and one-half cents per pound; exceeding thirty-five square inches cutting size in dimensions, eight cents per pound, and in addition thereto on all of said articles exceeding eight and not exceeding twenty one-thousandths of one inch in thickness, if either die cut or embossed, one-half of one cent per pound; if both die cut and embossed, one cent per pound; exceeding twenty one-thousandths of one inch in thickness, six cents per pound: *Provided*, That in the case of articles hereinbefore specified the thickness which shall determine the rate of duty to be imposed shall be that of the thinnest material found in the article, but for the purposes of this paragraph the thickness of lithographs mounted or pasted upon paper, cardboard, or other material, shall be the combined thickness of the lithograph and the foundation on which it is mounted or pasted.

413. Writing, letter, note, handmade paper and paper commercially known as handmade paper and machine handmade paper, japan paper and imitation japan paper by whatever name known, and ledger, bond, record, tablet, typewriter, manifold, and onionskin and imitation onionskin papers calendered or uncalendered, weighing six and one-fourth pounds or over per ream, three cents per pound and fifteen per centum ad valorem; but if any such paper is ruled, bordered, embossed, printed, lined, or decorated in any manner, other than by lithographic process, it shall pay ten per centum ad valorem in addition to the foregoing rates: *Provided*, That in computing the duty on such paper every one hundred and eighty thousand square inches shall be taken to be a ream.

414. Paper envelopes not specially provided for in this section, folded or flat, if plain, twenty per centum ad valorem; if bordered, embossed, printed, tinted, decorated, or lined, thirty-five per centum ad valorem.

415. Jacquard designs on ruled paper, or cut on Jacquard cards, and parts of such designs, cardboard and bristol board, thirty-five per centum ad valorem; press boards or press paper, valued at ten cents per pound or over, thirty-five per centum ad valorem; paper hangings with paper back or composed wholly or in chief value of paper, twenty-five per centum ad valorem; wrapping paper not specially provided for in this section, thirty-five per centum ad valorem; paper not specially provided for in this section, thirty per centum ad valorem: *Provided*, That paper embossed, or cut, die-cut, or stamped into designs or shapes, such as initials, monograms, lace, borders, bands, strips, or other forms,

or cut or shaped for boxes, plain or printed but not lithographed, and not specially provided for in this section, shall be dutiable at thirty-five per centum ad valorem; articles composed wholly or in chief value of paper printed by the photogelatin process and not specially provided for in this Act, three cents per pound and twenty-five per centum ad valorem.

416. Books of all kinds, bound or unbound, including blank books, slate books and pamphlets, engravings, photographs, etchings, maps, charts, music in books or sheets, and printed matter, all the foregoing wholly or in chief value of paper, and not specially provided for in this section, twenty-five per centum ad valorem. Views of any landscape, scene, building, place or locality in the United States, on cardboard or paper, not thinner than eight one-thousandths of one inch, by whatever process printed or produced, including those wholly or in part produced by either lithographic or photogelatin process (except show cards), occupying thirty-five square inches or less of surface per view, bound or unbound, or in any other form, fifteen cents per pound and twenty-five per centum ad valorem; thinner than eight one-thousandths of one inch, two dollars per thousand: *Provided*, That the rate or rates of duty provided in the tariff Act approved July twenty-fourth, eighteen hundred and ninety-seven, shall remain in force until October first, nineteen hundred and nine, on all views of any landscape, scene, building, place, or locality, provided for in this paragraph, which shall have, prior to July first, nineteen hundred and nine, been ordered or contracted to be delivered to bona fide purchasers in the United States, and the Secretary of the Treasury shall make proper regulations for the enforcement of this provision.

417. Photograph, autograph, scrap, post-card, and postage stamp albums, wholly or partly manufactured, thirty-five per centum ad valorem.

418. All boxes made wholly or in chief value of paper or papier-maché, if covered with surface-coated paper, forty-five per centum ad valorem.

419. Playing cards, in packs not exceeding fifty-four cards and at a like rate for any number in excess, ten cents per pack and twenty per centum ad valorem.

420. Manufactures of paper, or of which paper is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem.

SCHEDULE N. — SUNDRIES.

421. Beads and spangles of all kinds, including imitation pearl beads, not threaded or strung, or strung loosely on thread for facility in transportation only, thirty-five per centum ad valorem; fabrics, nets or nettings, laces, embroideries, galloons, wearing apparel, ornaments, trimmings, curtains, fringes, and other articles not specially provided for in this section, composed wholly or in chief value of beads or spangles made of glass or paste, gelatin, metal, or other material, but not in part of wool, sixty per centum ad valorem: *Provided*, That no article composed wholly or in chief value of beads or spangles made of glass, paste, gelatin, metal, or other material shall pay duty at a less rate than is imposed in any paragraph of this section upon such articles without such beads or spangles.

422. Braids, plaits, laces, and willow sheets or squares, composed wholly or in chief value of straw, chip, grass, palm leaf, willow, osier, rattan, real horsehair, cuba bark, or manila hemp, suitable for making or ornamenting hats, bonnets, or hoods, not bleached, dyed, colored, or stained, fifteen per centum ad valorem; if bleached, dyed, colored, or stained, twenty per centum ad valorem; hats, bonnets, and hoods composed wholly or in chief value of

straw, chip, grass, palm leaf, willow, osier, rattan, cuba bark, or manila hemp, whether wholly or partly manufactured, but not trimmed, thirty-five per centum ad valorem; if trimmed, fifty per centum ad valorem. But the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof.

423. Brushes, brooms, and feather dusters of all kinds, and hair pencils in quills or otherwise, forty per centum ad valorem.

424. Bristles, sorted, bunched, or prepared, seven and one-half cents per pound.

425. Trousers buckles and waistcoat buckles, made wholly or partly of iron or steel, or parts thereof, valued at not more than fifteen cents per hundred, five cents per hundred; valued at more than fifteen cents per hundred and not more than fifty cents per hundred, ten cents per hundred; valued at more than fifty cents per hundred, fifteen cents per hundred; and in addition thereto on each and all of the above buckles or parts of buckles, fifteen per centum ad valorem.

426. Button forms of lastings, mohair or silk cloth, or other manufactures of cloth, woven or made in patterns of such size, shape or form as to be fit for buttons exclusively, and not exceeding three inches in any one dimension, ten per centum ad valorem.

427. Buttons or parts of buttons and button molds or blanks, finished or unfinished, shall pay duty at the following rates, the line-button measure being one-fortieth of one inch, namely: Buttons known commercially as agate buttons, metal trousers buttons (except steel), and nickel bar buttons, one-twelfth of one cent per line per gross; buttons of bone, and steel trousers buttons, one-fourth of one cent per line per gross; buttons of pearl or shell, one and one-half cents per line per gross; buttons of horn, vegetable ivory, glass, or metal, not specially provided for in this section, three-fourths of one cent per line per gross, and in addition thereto, on all the foregoing articles in this paragraph, fifteen per centum ad valorem; shoe buttons made of paper, board, papier-maché, pulp or other similar material, not specially provided for in this section, valued at not exceeding three cents per gross, one cent per gross; snap fasteners, or clasps, or parts thereof, by whatever name known, fifty per centum ad valorem; buttons of metal, embossed with a design, device, pattern, or lettering, forty-five per centum ad valorem; buttons not specially provided for in this section, and all collar or cuff buttons and studs composed wholly of bone, mother-of-pearl, or ivory, fifty per centum ad valorem.

428. Coal, bituminous, and shale, forty-five cents per ton of twenty-eight bushels, eighty pounds to the bushel; coal slack or culm, such as will pass through a half-inch screen, fifteen cents per ton of twenty-eight bushels, eighty pounds to the bushel: *Provided*, That the rate of fifteen cents per ton herein designated for "coal slack or culm" shall be held to apply to importations of coal slack or culm produced and screened in the ordinary way, as such, and so shipped from the mine; coke, twenty per centum ad valorem; compositions used for fuel in which coal or coal dust is the component material of chief value, whether in briquettes or other form, twenty per centum ad valorem: *Provided further*, That on all coal imported into the United States, which is afterwards used for fuel on board vessels propelled by steam and engaged in trade with foreign countries, or in trade between the Atlantic and Pacific ports of the United States, and which are registered under the laws of the United States, a draw-back shall be allowed equal to the duty imposed by law upon such coal, and shall be paid under such regulations as the Secretary of the Treasury shall prescribe.

429. Cork bark cut into squares, cubes, or quarters, eight cents per pound; manufactured corks over three-fourths of an inch in diameter, measured at larger end, fifteen cents per pound; three-fourths of an inch and less in diameter, measured at larger end, twenty-five cents per pound; cork, artificial, or cork substitutes, manufactured from cork waste or granulated cork, and not otherwise provided for in this section, six cents per pound; manufactures, wholly or in chief value of cork, or of cork bark, or of artificial cork or cork substitutes, granulated or ground cork, not specially provided for in this section, thirty per centum ad valorem.

430. Dice, dominoes, draughts, chessmen, chess balls, and billiard, pool, and bagatelle balls, of ivory, bone, or other materials, fifty per centum ad valorem.

431. Dolls, and parts of dolls, doll heads, toy marbles of whatever materials composed, and all other toys, and parts of toys, not composed of china, porcelain, parian, bisque, earthen or stone ware, and not specially provided for in this section, thirty-five per centum ad valorem.

432. Emery grains and emery, manufactured, ground, pulverized, or refined, one cent per pound; emery wheels, emery files, and manufactures of which emery or corundum is the component material of chief value, twenty-five per centum ad valorem; crude artificial abrasives, ten per centum ad valorem.

433. Firecrackers of all kinds, eight cents per pound; bombs, rockets, Roman candles, and fireworks of all descriptions, not specially provided for in this section, twelve cents per pound; the weight on all the foregoing to include all coverings, wrappings, and packing material.

434. Fulminates, fulminating powders, and like articles suitable for miners' use, twenty per centum ad valorem; all other not specially provided for in this section, thirty per centum ad valorem.

435. Gunpowder, and all explosive substances used for mining, blasting, artillery, or sporting purposes, when valued at twenty cents or less per pound, two cents per pound; valued above twenty cents per pound, four cents per pound.

436. Matches, friction or lucifer, of all descriptions, per gross of one hundred and forty-four boxes, containing not more than one hundred matches per box, six cents per gross; when imported otherwise than in boxes containing not more than one hundred matches each, three-fourths of one cent per one thousand matches; wax and fancy matches and tapers, thirty-five per centum ad valorem.

437. Percussion caps, cartridges, and cartridge shells empty, thirty per centum ad valorem; blasting caps, two dollars and twenty-five cents per thousand; mining, blasting, or safety fuses of all kinds, not composed in chief value of cotton, thirty-five per centum ad valorem.

438. Feathers and downs of all kinds, including bird skins or parts thereof with the feathers on, crude or not dressed, colored, or otherwise advanced or manufactured in any manner, not specially provided for in this section, twenty per centum ad valorem; when dressed, colored, or otherwise advanced or manufactured in any manner, including quilts of down and other manufactures of down, and also dressed and finished birds suitable for millinery ornaments, and artificial or ornamental feathers, fruits, grains, leaves, flowers, and stems or parts thereof, of whatever material composed, not specially provided for in this section, sixty per centum ad valorem; boas, boutonnieres, wreaths, and all articles not specially provided for in this section, composed wholly or in chief value of any of the feathers, flowers, leaves, or other materials or articles herein mentioned, sixty per centum ad valorem.

439. Furs dressed on the skin, not advanced further than dyeing, but not repaired, twenty per centum ad valorem; manufactures of furs, further advanced than dressing and dyeing, when prepared for use as material, including plates, linings, and crosses, thirty-five per centum ad valorem; articles of wearing apparel of every description, partly or wholly manufactured, composed of or of which fur is the component material of chief value, fifty per centum ad valorem. Furs not on the skin, prepared for hatters' use, including fur skins carotred, twenty per centum ad valorem.

440. Fans of all kinds, except common palm-leaf fans, fifty per centum ad valorem.

441. Gun wads of all descriptions, twenty per centum ad valorem.

442. Hair, human, if clean or drawn but not manufactured, twenty per centum ad valorem; manufactures of human hair, or of which human hair is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem.

443. Plushes and woven fabrics (except crinoline cloth and hair seating) and manufactures thereof, composed of the hair of the camel, goat, alpaca, or any animal, combined with wool, vegetable fiber, or silk, shall be classified and dutiable as manufactures of wool.

444. Hair, curled, suitable for beds or mattresses, ten per centum ad valorem.

445. Haircloth, known as "crinoline" cloth, eight cents per square yard; haircloth, known as "hair seating," and hair press cloth, twenty cents per square yard.

446. Hats, bonnets, or hoods, for men's, women's, boys', or children's wear, trimmed or untrimmed, including bodies, hoods, plateaux, forms, or shapes, for hats or bonnets, composed wholly or in chief value of fur of the rabbit, beaver, or other animals, valued at not more than four dollars and fifty cents per dozen, one dollar and fifty cents per dozen; valued at more than four dollars and fifty cents per dozen and not more than nine dollars per dozen, three dollars per dozen; valued at more than nine dollars per dozen and not more than eighteen dollars per dozen, five dollars per dozen; valued at more than eighteen dollars per dozen, seven dollars per dozen; and in addition thereto, on all the foregoing, twenty per centum ad valorem.

447. Indurated fiber ware and manufactures of pulp, not specifically provided for in this section, printed or unprinted, thirty-five per centum ad valorem.

448. Chains, pins, collar, cuff, and dress buttons, charms, combs, millinery and military ornaments, together with all other articles of every description, finished or partly finished, if set with imitation precious stones composed of glass or paste (except imitation jet), or composed wholly or in chief value of silver, German silver, white metal, brass, or gun metal, whether or not enameled, washed, covered, plated, or alloyed with gold, silver or nickel, and designed to be worn on apparel or carried on or about or attached to the person, valued at twenty cents per dozen pieces, one cent each and in addition thereto three-fifths of one cent per dozen for each one cent the value exceeds twenty cents per dozen; all stampings and materials of metal (except iron or steel), or of metal set with glass or paste, finished or partly finished, suitable for use in the manufacture of any of the foregoing articles (except chain valued at less than thirty cents per yard other than nickel or nickel-plated chain), valued at seventy-two cents per gross, three cents per dozen pieces and in addition thereto one-half of one cent per gross for each one cent the value exceeds seventy-two cents per gross; rope, curb, cable, and other fancy patterns of chain, without

bar, swivel, snap or ring, composed of rolled gold plate or of silver, German silver, white metal, or brass, not exceeding one-half of one inch in diameter, breadth or thickness, valued at thirty cents per yard, six cents per foot, and in addition thereto three-fifths of one cent per yard for each one cent the value exceeds thirty cents per yard; finished or unfinished bags, purses and other articles, or parts thereof, made in chief value of metal mesh composed of silver, German silver, or white metal, valued at two dollars per dozen pieces, ten cents per piece and in addition thereto three-fifths of one cent per dozen pieces for each one cent the value exceeds two dollars per dozen; all of the foregoing, whether known as jewelry or otherwise and whether or not denominatively or otherwise provided for in any other paragraph of this Act, twenty-five per centum ad valorem in addition to the specific rate or rates of duty herein provided; all articles commonly or commercially known as jewelry, or parts thereof, finished or unfinished, including chain, mesh, and mesh bags and purses composed of gold or platinum, whether set or not set with diamonds, pearls, cameos, coral, or other precious or semiprecious stones, or imitations thereof, sixty per centum ad valorem.

449. Pearls and parts thereof, drilled or undrilled, but not set or strung; ten per centum ad valorem; diamonds, coral, rubies, cameos, and other precious stones and semi-precious stones, cut but not set, and suitable for use in the manufacture of jewelry, ten per centum ad valorem; imitation precious stones, including pearls and parts thereof, for use in the manufacture of jewelry, doublets, artificial, or so-called sythetic or reconstructed pearls and parts thereof, rubies, or other precious stones, twenty per centum ad valorem.

450. Hides of cattle, raw or uncured, whether dry, salted, or pickled, shall be admitted free of duty: *Provided*, That on and after October first, nineteen hundred and nine, grain, buff, and split leather shall pay a duty of seven and one-half per centum ad valorem; that all boots and shoes, made wholly or in chief value of leather made from cattle hides and cattle skins of whatever weight, of cattle of the bovine species, including calfskins, shall pay a duty of ten per centum ad valorem; that harness, saddles and saddlery, in sets or in parts, finished or unfinished, composed wholly or in chief value of leather, shall pay a duty of twenty per centum ad valorem.

451. Band, bend, or belting leather, rough leather, and sole leather, five per centum ad valorem; dressed upper and all other leather, calfskins tanned or tanned and dressed, kangaroo, sheep and goat skins (including lamb and kid skins) dressed and finished, other skins and bookbinders' calfskins, all the foregoing not specially provided for in this section, fifteen per centum ad valorem; chamois skin, twenty per centum ad valorem; skins for morocco, tanned but unfinished, five per centum ad valorem; patent, japanned, varnished, or enameled leather weighing not over ten pounds per dozen hides or skins, twenty-seven cents per pound and fifteen per centum ad valorem; if weighing over ten pounds and not over twenty-five pounds per dozen, twenty-seven cents per pound and eight per centum ad valorem; if weighing over twenty-five pounds per dozen, twenty cents per pound and ten per centum ad valorem; pianoforte leather and pianoforte-action leather, and glove leather, twenty per centum ad valorem; leather shoe laces, finished or unfinished, fifty cents per gross pairs and ten per centum ad valorem; boots and shoes made of leather, fifteen per centum ad valorem: *Provided*, That leather cut into shoe uppers or vamps or other forms, suitable for conversion into manufactured articles, and gauffre leather, shall pay a duty of ten per centum ad valorem in addition to the duty imposed by this paragraph on leather of the same character as that from which they are cut.

452. Bags, baskets, belts, satchels, card cases, pocketbooks, jewel boxes,

portfolios, and other boxes and cases, made wholly of or in chief value of leather, not jewelry, and manufactures of leather, or of which leather is the component material of chief value, not specially provided for in this section, forty per centum ad valorem; any of the foregoing permanently fitted and furnished with traveling, bottle, drinking, dining or luncheon and similar sets, fifty per centum ad valorem.

453. Gloves made wholly or in part of leather, whether wholly or partly manufactured, shall pay duty at the following rates, the lengths stated in each case being the extreme length when stretched to their full extent, namely:

454. Women's or children's "glace" finish, Schmaschen (of sheep origin), not over fourteen inches in length, one dollar and twenty-five cents per dozen pairs; over fourteen inches and not over seventeen inches in length, two dollars and twenty-five cents per dozen pairs; over seventeen inches in length, two dollars and seventy-five cents per dozen pairs; men's "glace" finish, Schmaschen (sheep), three dollars per dozen pairs.

455. Women's or children's "glace" finish, lamb or sheep, not over fourteen inches in length, two dollars and fifty cents per dozen pairs; over fourteen and not over seventeen inches in length, three dollars and fifty cents per dozen pairs; over seventeen inches in length, four dollars and fifty cents per dozen pairs; men's "glace" finish, lamb or sheep, four dollars per dozen pairs.

456. Women's or children's "glace" finish, goat, kid, or other leather than of sheep origin, not over fourteen inches in length, three dollars per dozen pairs; over fourteen and not over seventeen inches in length, three dollars and seventy-five cents per dozen pairs; over seventeen inches in length, four dollars and seventy-five cents per dozen pairs; men's "glace" finish, kid, goat, or other leather than of sheep origin, four dollars per dozen pairs.

457. Women's or children's, of sheep origin, with exterior grain surface removed, by whatever name known, not over seventeen inches in length, two dollars and fifty cents per dozen pairs; over seventeen inches in length, three dollars and fifty cents per dozen pairs; men's, of sheep origin, with exterior surface removed, by whatever name known, four dollars per dozen pairs.

458. Women's or children's kid, goat, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, not over fourteen inches in length, three dollars per dozen pairs; over fourteen inches and not over seventeen inches in length, three dollars and seventy-five cents per dozen pairs; over seventeen inches in length, four dollars and seventy-five cents per dozen pairs; men's goat, kid, or other leather than of sheep origin, with exterior grain surface removed, by whatever name known, four dollars per dozen pairs.

459. In addition to the foregoing rates there shall be paid the following cumulative duties: On all leather gloves, when lined, one dollar per dozen pairs; on all pique or prix seam gloves, forty cents per dozen pairs; on all gloves stitched or embroidered, with more than three single strands or cords, forty cents per dozen pairs.

460. Glove trunks, with or without the usual accompanying pieces, shall pay seventy-five per centum of the duty provided for the gloves in the fabrication of which they are suitable.

461. Harness, saddles, saddlery, in sets or in parts, finished or unfinished, thirty-five per centum ad valorem.

462. Manufactures of amber, asbestos, bladders, catgut or whip gut or worm gut, or wax, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, twenty-five per centum ad valorem; woven fabrics composed wholly or in chief value of asbestos, forty per centum ad valorem.

463. Manufactures of bone, chip, grass, horn, quills, india rubber, palm leaf, straw, weeds, or whalebone, or of which these substances or any of them is the component material of chief value, not specially provided for in this section, thirty-five per centum ad valorem; but the terms "grass" and "straw" shall be understood to mean these substances in their natural form and structure, and not the separated fiber thereof; sponges made of rubber, forty per centum ad valorem; combs, composed wholly of horn, or composed of horn and metal, fifty per centum ad valorem.

464. Manufactures of gutta-percha, ivory, vegetable ivory, mother-of-pearl and shell, plaster of Paris, papier-maché, and vulcanized india rubber known as "hard rubber," or of which these substances or any of them is the component material of chief value, not specially provided for in this section, and shells engraved, cut, ornamented, or otherwise manufactured, thirty-five per centum ad valorem.

465. Masks, composed of paper or pulp, thirty-five per centum ad valorem.

466. Matting made of cocoa fiber or rattan, six cents per square yard; mats made of cocoa fiber or rattan, four cents per square foot.

467. Musical instruments or parts thereof, pianoforte actions and parts thereof, strings for musical instruments, not otherwise enumerated in this section, cases for musical instruments, pitch pipes, tuning forks, tuning hammers, and metronomes; strings for musical instruments, composed wholly or in part of steel or other metal, all the foregoing, forty-five per centum ad valorem.

468. Phonographs, gramophones, graphophones, and similar articles, or parts thereof, forty-five per centum ad valorem.

469. Violin rosin, in boxes or cases or otherwise, twenty per centum ad valorem.

470. Paintings in oil or water colors, pastels, pen and ink drawings, and sculptures, not specially provided for in this section, fifteen per centum ad valorem; but the term "sculptures" as used in this Act shall be understood to include only such as are cut, carved, or otherwise wrought by hand from a solid block or mass of marble, stone, or alabaster, or from metal, and as are the professional production of a sculptor only, and the term "painting" as used in this Act shall be understood not to include such as are made wholly or in part by stenciling or other mechanical process.

471. Peat moss, one dollar per ton.

472. Pencils of paper or wood, or other material not metal, filled with lead or other material, and pencils of lead, forty-five cents per gross and twenty-five per centum ad valorem; slate pencils, covered with wood, thirty-five per centum ad valorem; all other slate pencils, three cents per one hundred.

473. Pencil leads not in wood, or other material, black, three-fourths of one cent per ounce; colored, one and one-fourth cents per ounce; copying, two cents per ounce.

474. Photographic dry plates or films, not otherwise specially provided for in this section, twenty-five per centum ad valorem. Photographic film negatives, imported in any form, for use in any way in connection with moving-picture exhibits, or for making or reproducing pictures for such exhibits, and moving-picture films not developed or exposed, twenty-five per centum ad valorem. Photographic film positives, imported in any form, for use in any way in connection with moving-picture exhibits, including herein all moving, motion, moto-photography or cinematography film pictures, prints, positives or duplicates of every kind and nature, and of whatever substance made, one and one-half cents per linear or running foot.

475. Pipes and smokers' articles: Common tobacco pipes and pipe bowls made wholly of clay, valued at not more than forty cents per gross, fifteen cents per gross; other tobacco pipes and pipe bowls of clay, fifty cents per gross and twenty-five per centum ad valorem; other pipes and pipe bowls of whatever material composed, and all smokers' articles whatsoever, not specially provided for in this section, including cigarette books, cigarette book covers, pouches for smoking or chewing tobacco, and cigarette paper in all forms, sixty per centum ad valorem.

476. Plows, tooth and disk harrows, harvesters, reapers, agricultural drills and planters, mowers, horse-rakes, cultivators, threshing machines, and cotton gins, fifteen per centum ad valorem: *Provided*, That any of the foregoing, when imported from any country, dependency, province, or colony which imposes no tax or duty on like articles imported from the United States, shall be imported free of duty.

477. Plush, black, known commercially as hatters' plush, composed of silk, or of silk and cotton, such as is used exclusively for making men's hats, ten per centum ad valorem.

478. Umbrellas, parasols, and sunshades covered with material other than paper or lace, fifty per centum ad valorem. Sticks for umbrellas, parasols, or sunshades, and walking canes, finished or unfinished, forty per centum ad valorem.

479. Waste, not specially provided for in this section, ten per centum ad valorem.

480. That there shall be levied, collected, and paid on the importation of all raw or unmanufactured articles, not enumerated or provided for in this section, a duty of ten per centum ad valorem, and on all articles manufactured, in whole or in part, not provided for in this section, a duty of twenty per centum ad valorem.

481. That each and every imported article, not enumerated in this section, which is similar, either in material, quality, texture, or the use to which it may be applied, to any article enumerated in this section as chargeable with duty, shall pay the same rate of duty which is levied on the enumerated article which it most resembles in any of the particulars before mentioned; and if any nonenumerated article equally resembles two or more enumerated articles on which different rates of duty are chargeable, there shall be levied on such nonenumerated article the same rate of duty as is chargeable on the article which it resembles paying the highest rate of duty; and on articles not enumerated, manufactured of two or more materials, the duty shall be assessed at the highest rate at which the same would be chargeable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this section, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article. If two or more rates of duty shall be applicable to any imported article, it shall pay duty at the highest of such rates.

FREE LIST.

That on and after the day following the passage of this Act, except as otherwise specially provided for in this Act, the articles mentioned in the following paragraphs shall, when imported into the United States or into any of its

possessions (except the Philippine Islands and the islands of Guam and Tutuila), be exempt from duty:

482. Acids: Arsenic or arsenious, benzoic, carbolic, fluoric, hyd[r]ochloric or muriatic, nitric, phosphoric, phthalic, picric or nitropicric, prussic, silicic, and valerianic.

483. Aconite.

484. Acorns, raw, dried or undried, but unground.

485. Agates, unmanufactured.

486. Albumen, not specially provided for in this section.

487. Alizarin, natural or artificial, and dyes derived from alizarin or from anthracin.

488. Amber, and amberoid unmanufactured, or crude gum, gum Kauri, and gum Copal.

489. Ambergris.

490. Ammonia, sulphate of.

491. Aniline salts.

492. Any animal imported by a citizen of the United States specially for breeding purposes shall be admitted free, whether intended to be so used by the importer himself, or for sale for such purpose: *Provided*, That no such animal shall be admitted free unless pure bred of a recognized breed, and duly registered in the book of record established for that breed: *And provided further*, That certificate of such record and of the pedigree of such animal shall be produced and submitted to the customs officer, duly authenticated by the proper custodian of such book of record, together with the affidavit of the owner, agent, or importer that such animal is the identical animal described in said certificate of record and pedigree: *And provided further*, That the Secretary of Agriculture shall determine and certify to the Secretary of the Treasury what are recognized breeds and pure bred animals under the provisions of this paragraph. The Secretary of the Treasury may prescribe such additional regulations as may be required for the strict enforcement of this provision. Cattle, horses, sheep, or other domestic animals straying across the boundary line into any foreign country, or driven across such boundary line by the owner for temporary pasturage purposes only, together with their offspring, may be brought back to the United States within six months free of duty, under regulations to be prescribed by the Secretary of the Treasury: *And provided further*, That the provisions of this Act shall apply to all such animals as have been imported and are in quarantine, or otherwise in the custody of customs or other officers of the United States, at the date of the passage of this Act.

493. Animals brought into the United States temporarily for a period not exceeding six months, for the purpose of breeding, exhibition or competition for prizes offered by any agricultural, polo, or racing association; but a bond shall be given in accordance with regulations prescribed by the Secretary of the Treasury; also teams of animals, including their harness and tackle and the wagons or other vehicles actually owned by persons emigrating from foreign countries to the United States with their families, and in actual use for the purpose of such emigration under such regulations as the Secretary of the Treasury may prescribe; and wild animals intended for exhibition in zoological collections for scientific and educational purposes, and not for sale or profit.

494. Annatto, roucou, rocoa, or orleans, and all extracts of.

495. Apatite.

496. Arrowroot in its natural state and not manufactured.

497. Arsenic and sulphide of arsenic, or orpiment.

498. Arseniate of aniline.

499. Articles in a crude state used in dyeing or tanning not specially provided for in this section.

500. Articles the growth, produce, or manufacture of the United States, not including animals, when returned after having been exported, without having been advanced in value or improved in condition by any process of manufacture or other means; casks, barrels, carboys, bags, and other containers or coverings of American manufacture exported filled with American products, or exported empty and returned filled with foreign products, including shooks and staves when returned as barrels or boxes; also quicksilver flasks or bottles, iron or steel drums used for the shipment of acids, of either domestic or foreign manufacture, which shall have been actually exported from the United States; but proof of the identity of such articles shall be made, under general regulations to be prescribed by the Secretary of the Treasury, but the exemption of bags from duty shall apply only to such domestic bags as may be imported by the exporter thereof, and if any such articles are subject to internal-revenue tax at the time of exportation, such tax shall be proved to have been paid before exportation and not refunded; photographic dry plates or films of American manufacture (except moving-picture films), exposed abroad, whether developed or not, and films from moving-picture machines, light struck or otherwise damaged, or worn out, so as to be unsuitable for any other purpose than the recovery of the constituent materials, provided the basic films are of American manufacture, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury: *Provided*, That this paragraph shall not apply to any article upon which an allowance of drawback has been made, the reimportation of which is hereby prohibited except upon payment of duties equal to the drawbacks allowed; or to any article manufactured in bonded warehouse and exported under any provision of law: *And provided further*, That when manufactured tobacco which has been exported without payment of internal-revenue tax shall be reimported it shall be retained in the custody of the collector of customs until internal-revenue stamps in payment of the legal duties shall be placed thereon.

501. Asbestos, unmanufactured.

502. Ashes, wood and lye of, and beet-root ashes.

503. Asafetida.

504. Balm of Gilead.

505. Barks, cinchona or other from which quinine may be extracted.

506. Beeswax.

507. Binding twine: All binding twine manufactured from New Zealand hemp, manila, istle or Tampico fiber, sisal grass, or sunn, or a mixture of any two or more of them, of single ply and measuring not exceeding six hundred feet to the pound: *Provided*, That articles mentioned in this paragraph, if imported from a country which lays an import duty on like articles imported from the United States, shall be subject to a duty of one-half of one cent per pound.

508. Bells, broken, and bell metal broken and fit only to be remanufactured.

509. Birds, stuffed, not suitable for millinery ornaments.

510. Birds and land and water fowls.

511. Bismuth.

512. Bladders, and all integuments, tendons and intestines of animals and fish sounds, crude, dried or salted for preservation only, and unmanufactured, not specially provided for in this section.

513. Blood, dried, not specially provided for in this section.

514. Bolting cloths composed of silk, imported expressly for milling purposes, and so permanently marked as not to be available for any other use.

515. Bones, crude, or not burned, calcined, ground, steamed, or otherwise manufactured, and bone dust or animal carbon, and bone ash, fit only for fertilizing purposes.

516. Books, engravings, photographs, etchings, bound or unbound, maps and charts imported by authority or for the use of the United States or for the use of the Library of Congress.

517. Books, maps, music, engravings, photographs, etchings, bound or unbound, and charts, which shall have been printed more than twenty years at the date of importation, and all hydrographic charts, and publications issued for their subscribers or exchanges by scientific and literary associations or academies, or publications of individuals for gratuitous private circulation, and public documents issued by foreign governments.

518. Books and pamphlets printed chiefly in languages other than English; also books and music, in raised print, used exclusively by the blind.

519. Books, maps, music, photographs, etchings, lithographic prints, and charts, specially imported, not more than two copies in any one invoice, in good faith, for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any state or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

520. Books, libraries, usual and reasonable furniture, and similar household effects of persons or families from foreign countries, all the foregoing if actually used abroad by them not less than one year, and not intended for any other person or persons, nor for sale.

521. Brass, old brass, clippings from brass or Dutch metal, all the foregoing, fit only for remanufacture.

522. Brazilian pebble, unwrought or unmanufactured.

523. Bristles, crude, not sorted, bunched, or prepared.

524. Bullion, gold or silver.

525. Burgundy pitch.

526. Cadmium.

527. Camphor, crude, natural.

528. Castor or castoreum.

529. Catgut, whip gut, or worm gut, unmanufactured.

530. Cerium, cerite, or cerium ore.

531. Chalk, crude, not ground, bolted, precipitated, or otherwise manufactured.

532. Chromate of iron or chromic ore.

533. Civet, crude.

534. Clay: Common blue clay and Gross-Almerode glass-pot clay, in cases or casks suitable for the manufacture of crucibles and glass melting pots or tank blocks.

535. Coal, anthracite, and coal stores of American vessels, but none shall be unloaded.

536. Coal tar, crude, pitch of coal tar, and products of coal tar known as dead or creosote oil, benzol, toluol, naphthalin, xylol, phenol, cresol, toluidine, xylidin, cumidin, binitrotoluol, binitrobenzol, benzidin, tolidin, dianisidin, naphthol, naphthylamin, diphenylamin, benzaldehyde, benzyl chloride, resorcin, nitro-benzol, and nitrotoluol, naphthylaminsulfoacids and their sodium or potas-

sium salts, naphtholsulfoacids and their sodium or potassium salts, amido-naphtholsulfoacids and their sodium or potassium salts, amidosalicylic acid, binitrochlorbenzol, diamidoethylendisulfoacid, metanilic acid, paranitranilin, dimethylanilin; all the foregoing not medicinal and not colors or dyes.

537. Cobalt and cobalt ore.

538. *Cocculus indicus*.

539. *Cochineal*.

540. Cocoa, or cacao, crude, and fiber, leaves, and shells of.

541. Coffee.

542. Coins of gold, silver, copper, or other metal.

543. Coir, and coir yarn.

544. Copper ore; regulus of, and black or coarse copper, and copper cement; old copper, fit only for remanufacture, clippings from new copper, and copper in plates, bars, ingots, or pigs, not manufactured or specially provided for in this section.

545. Composition metal of which copper is the component material of chief value, not specially provided for in this section.

546. Coral, marine, uncut, and unmanufactured.

547. Cork wood, or cork bark, unmanufactured.

548. Cotton, and cotton waste or flocks.

549. Cryolite, or kryolith.

550. Cudbear.

551. Curling stones, or quoits, and curling-stone handles.

552. Curry, and curry powder.

553. Cuttlefish bone.

554. Dandelion roots, row, dried, or undried, but unground.

555. Diamonds and other precious stones, rough or uncut, and not advanced in condition or value from their natural state by cleaving, splitting, cutting, or other process, including glaziers' and engravers' diamonds not set.

556. Miners' diamonds, whether in their natural form or broken, and bort; any of the foregoing not set, and diamond dust.

557. *Divi-divi*.

558. Dragon's blood.

559. Drugs, such as barks, beans, berries, balsams, buds, bulbs, bulbous roots, excrescences, fruits, flowers, dried fibers, dried insects, grains, gums, gum resin, herbs, leaves, lichens, mosses, nuts, nutgalls, roots, stems, spices, vegetables, seeds (aromatic, not garden seeds), seeds of morbid growth, weeds, and woods used expressly for dyeing or tanning; any of the foregoing which are natural and uncompounded drugs and not edible and not specially provided for in this section, and are in a crude state, not advanced in value or condition by any process or treatment whatever beyond that essential to the proper packing of the drugs and the prevention of decay or deterioration pending manufacture: *Provided*, That no article containing alcohol, or in the preparation of which alcohol is used, shall be admitted free of duty under this paragraph.

560. Eggs of birds, fish, and insects (except fish roe preserved for food purposes): *Provided, however*, That the importation of eggs of game birds or eggs of birds not used for food, except specimens for scientific collections, is prohibited: *Provided further*, That the importation of eggs of game birds for purposes of propagation is hereby authorized, under rules and regulations to be prescribed by the Secretary of the Treasury.

561. Emery ore and corundum.

562. Ergot.

563. Fans, common palm-leaf, plain and not ornamented or decorated in any manner, and palm leaf in its natural state, not colored, dyed, or otherwise advanced or manufactured.

564. Felt, adhesive, for sheathing vessels.

565. Fence posts of wood.

566. Fibrin, in all forms.

567. Fish, fresh, frozen, or packed in ice, caught in the Great Lakes or other fresh waters by citizens of the United States, and all other fish, the products of American fisheries.

568. Fish skins.

569. Flint, flints, and flint stones, unground.

570. Fossils.

571. Fruits or berries, green, ripe, or dried, and fruits in brine, not specially provided for in this section.

572. Fruit plants, tropical and semitropical, for the purpose of propagation or cultivation.

573. Furs, undressed.

574. Fur skin of all kinds not dressed in any manner and not specially provided for in this section.

575. Gambier.

576. Glass enamel, white, for watch and clock dials.

577. Glass plates or disks, rough-cut or unwrought, for use in the manufacture of optical instruments, spectacles, and eyeglasses, and suitable only for such use: *Provided, however,* That such disks exceeding eight inches in diameter may be polished sufficiently to enable the character of the glass to be determined.

578. Grasses and fibers: Istle or Tampico fiber, jute, jute butts, manila, sisal grass, sunn, and all other textile grasses or fibrous vegetable substances, not dressed or manufactured in any manner, and not specially provided for in this section.

579. Gold beaters' molds and gold beaters' skins.

580. Grease, fats, vegetable tallow, and oils (excepting fish oils), such as are commonly used in soap making or in wire drawing, or for stuffing or dressing leather, and which are fit only for such uses, and not specially provided for in this section.

581. Guano, manures, and and all substances used only for manure, including basic slag, ground or unground, and calcium cyanamid or lime nitrogen.

582. Gutta-percha, crude.

583. Hair of horse, cattle, and other animals, cleaned or uncleaned, drawn or undrawn, but unmanufactured, not specially provided for in this section; and human hair, raw, uncleaned, and not drawn.

584. Hide cuttings, raw, with or without hair, and all other glue stock.

585. Hide rope.

586. Hones and whetstones.

587. Hoofs, unmanufactured.

588. Hop roots for cultivation.

589. Horns and parts of, including horn strips and tips, unmanufactured.

590. Ice.

591. India rubber, crude, and milk of, and scrap or refuse India rubber, fit only for remanufacture, and which has been worn out by use.

592. Indigo.

593. Iodine, crude.

594. Ipecac.

595. Iridium, osmium, palladium, rhodium, and ruthenium and native combinations thereof with one another or with platinum.

596. Ivory tusks in their natural state or cut vertically across the grain only, with the bark left intact, and vegetable ivory in its natural state.

597. Jalap.

598. Jet, unmanufactured.

599. Joss stick, or Joss light.

600. Junk, old.

601. Kelp.

602. Kieserite.

603. Kindling wood.

604. Kyanite, or cyanite, and kainite.

605. Lac dye, crude, seed, button, stick, and shell.

606. Lac spirits.

607. Lactarene, or casein.

608. Lava, unmanufactured.

609. Leeches.

610. Lemon juice, lime juice, and sour orange juice, all the foregoing containing not more than two per centum of alcohol.

611. Licorice root, unground.

612. Lifeboats and life-saving apparatus specially imported by societies incorporated or established to encourage the saving of human life.

613. Lime, citrate of.

614. Lithographic stones, not engraved.

615. Litmus, prepared or not prepared.

616. Loadstones.

617. Madder and munjeet, or Indian madder, ground or prepared, and all extracts of.

618. Magnesite, crude or calcined, not purified.

619. Manganese, oxide and ore of.

620. Manna.

621. Manuscripts.

622. Marrow, crude.

623. Marshmallow or althea root, leaves or flowers, natural or unmanufactured.

624. Medals of gold, silver, or copper, and other metallic articles actually bestowed as trophies or prizes, and received and accepted as honorary distinctions.

625. Meerschaum, crude or unmanufactured.

626. Minerals, crude, or not advanced in value or condition by refining or grinding, or by other process of manufacture, not specially provided for in this section.

627. Mineral salts obtained by evaporation from mineral waters, when accompanied by a duly authenticated certificate and satisfactory proof, showing that they are in no way artificially prepared, and are only the product of a designated mineral spring.

628. Miners' rescue appliances, designed for emergency use in mines where artificial breathing is necessary in the presence of poisonous gasses, to aid in the saving of human life, and miners' safety lamps.

629. Models of inventions and of other improvements in the arts, to be used exclusively as models and incapable of any other use.

630. Moss, seaweeds, and vegetable substances, crude or unmanufactured, not otherwise specially provided for in this section.

631. Musk, crude, in natural pods.

632. Myrobolans.

633. Needles, hand sewing and darning.

634. Newspapers and periodicals; but the term "periodicals" as herein used shall be understood to embrace only unbound or paper-covered publications issued within six months of the time of entry, devoted to current literature of the day, or containing current literature as a predominant feature, and issued regularly at stated periods, as weekly, monthly, or quarterly, and bearing the date of issue.

635. Nuts: Brazil nuts, cream nuts, marrons crude, palm nuts and palm-nut kernels; cocoanuts in the shell and broken cocoanut meat or copra, not shredded, desiccated, or prepared in any manner.

636. Nux vomica.

637. Oakum.

638. Oil cake.

639. Oils: Almond, amber, crude and rectified ambergris, anise or anisee seed, aniline, aspic or spike lavender, bergamot, cajeput, caraway, cassia, cinnamon, cedrat, chamomile, citronella or lemon grass, civet, cocoanut (not refined and deodorized), cotton-seed, croton, fennel, ichthyol, jasmine or jasmine, juglandium, juniper, lavender, lemon, limes, mace, neroli or orange flower, enfleurage grease, liquid and solid primal flower essences not compounded, nut oil or oil of nuts, soya-bean, olive oil rendered unfit for use as food or for any but mechanical or manufacturing purposes, by such means as shall be satisfactory to the Secretary of the Treasury and under regulations to be prescribed by him; attar of roses, palm, palm kernel, rosemary or anthoss, sesame or sesamum seed or bean, thyme, origanum red or white, valerian; and also spermaceti, whale, and other fish oils of American fisheries, and all fish and other products of such fisheries; petroleum, crude or refined, including kerosene, benzine, naphtha, gasoline, and similar oils produced from petroleum.

640. Oleo stearin.

641. Orange and lemon peel, not preserved, candied, or dried.

642. Orchil, or orchil liquid.

643. Ores of gold, silver, or nickel, and nickel matte; sweepings of gold and silver.

644. Paper stock, crude, of every description, including all grasses, fibers, rags (other than wool), waste, including jute waste, shavings, clippings, old paper, rope ends, waste rope, and waste bagging, and all other waste not specially provided for in this section, including old gunny cloth and old gunny bags, used chiefly for papermaking.

645. Paraffin.

646. Parchment and vellum.

647. Pearl, mother of, and shells, not sawed, cut, polished, or otherwise manufactured, or advanced in value from the natural state.

648. Personal effects, not merchandise, of citizens of the United States dying in foreign countries.

649. Pewter and britannia metal, old, and fit only to be remanufactured.

650. Philosophical and scientific apparatus, utensils, instruments, and preparations, including bottles and boxes containing the same, specially imported in good faith for the use and by order of any society or institution incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, or seminary of learning in the United States, or any state or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe.

651. Phosphates, crude.

652. Plants, trees, shrubs, roots, seed cane, and seeds, imported by the Department of Agriculture or the United States Botanic Garden.

653. Platinum, unmanufactured or in ingots, bars, plates, sheets, wire, sponge, or scrap, and vases, retorts, and other apparatus, vessels, and parts thereof, composed of platinum, for chemical uses.

654. Plumbago.

655. Potash, crude, or "black salts;" carbonate of potash, crude or refined; hydrate of, or caustic potash, not including refined in sticks or rolls; nitrate of potash or saltpeter, crude; sulphate of potash, crude or refined, and muriate of potash.

656. Professional books, implements, instruments, and tools of trade, occupation, or employment, in the actual possession at the time of arrival, of persons emigrating to the United States; but this exception shall not be construed to include machinery or other articles imported for use in any manufacturing establishment, or for any other person or persons, or for sale, nor shall it be construed to include theatrical scenery, properties, and apparel; but such articles brought by proprietors or managers of theatrical exhibitions arriving from abroad, for temporary use by them in such exhibitions, and not for any other person, and not for sale, and which have been used by them abroad, shall be admitted free of duty under such regulations as the Secretary of the Treasury may prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in case application shall be made therefor.

657. Pulu.

658. Quinia, sulphate of, and all alkaloids or salts of cinchona bark.

659. Radium.

660. Rags, not otherwise specially provided for in this section.

661. Statuary and casts of sculpture for use as models or for art educational purposes only; regalia and gems, where specially imported in good faith for the use and by order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use and by order of any college, academy, school, seminary of learning, orphan asylum, or public hospital in the United States, or any State or public library, and not for sale, subject to such regulations as the Secretary of the Treasury shall prescribe; but the term "regalia" as herein used shall be held to embrace only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution, and shall not include articles of furniture or fixtures, or of regular wearing apparel, nor personal property of individuals.

662. Rennets, raw or prepared.

663. Saffron and safflower, and extract of, and saffron cake.

664. Sago, crude, and sago flour.

665. Salicin.

666. Salep, or salop.

667. Sausages, bologna.

668. Seeds: Anise, canary, caraway, cardamom, cauliflower, coriander, cotton, cummin, fennel, fenugreek, hemp, hoarhound, mangelwurzel, mustard, rape, Saint John's bread or bean, sugar beet, sorghum or sugar cane for seed;

bulbs and bulbous roots, not edible and not otherwise provided for in this section; all flower and grass seeds; evergreen seedlings; all the foregoing not specially provided for in this section.

669. Sheep dip.

670. Shotgun barrels, in single tubes, forged, rough bored.

671. Shrimps and other shellfish.

672. Silk, raw, in skeins reeled from the cocoon, or rereeled, but not wound, doubled, twisted, or advanced in manufacture in any way.

673. Silk cocoons and silk waste.

674. Silkworm eggs.

675. Skeletons and other preparations of anatomy.

676. Skins of all kinds, raw (except sheepskins with the wool on), and hides not specially provided for in this section.

677. Soda, nitrate of, or cubic nitrate.

678. Specimens of natural history, botany, and mineralogy, when imported for scientific public collections, and not for sale.

679. Spices: Cassia, cassia vera, and cassia buds; cinnamon and chips of; cloves and clove stems; mace; nutmegs; pepper, black or white, and pimento; all the foregoing when unground; ginger root, unground and not preserved or candied.

680. Spunk.

681. Spurs and stilts used in the manufacture of earthen, porcelain, and stone ware.

682. Stamps; foreign postage or revenue stamps, canceled or uncanceled, and foreign government stamped post cards bearing no other printing than the official imprint thereon.

683. Stone and sand: Burrstone in blocks, rough or unmanufactured; cliff stone, unmanufactured; rotten stone, tripoli, and sand, crude or manufactured, not otherwise provided for in this section.

684. Storax, or styrax.

685. Strontia, oxide of, and protoxide of strontian, and strontianite, or mineral carbonate of strontia.

686. Sulphur, lac or precipitated, and sulphur or brimstone, crude, in bulk, sulphur ore as pyrites, or sulphuret of iron in its natural state, containing in excess of twenty-five per centum of sulphur, and sulphur not otherwise provided for in this section.

687. Sulphuric acid which at the temperature of sixty degrees Fahrenheit does not exceed the specific gravity of one and three hundred and eighty one-thousandths, for use in manufacturing superphosphate of lime or artificial manures of any kind, or for any agricultural purposes: *Provided*, That upon all sulphuric acid imported from any country, whether independent or a dependency, which imposes a duty upon sulphuric acid imported into such country from the United States, there shall be levied and collected a duty of one-fourth of one cent per pound.

688. Tamarinds.

689. Tapioca, tapioca flour, cassava or cassady.

690. Tar and pitch of wood.

691. Tea and tea plants: *Provided*, That nothing herein contained shall be construed to repeal or impair the provisions of an Act entitled "An Act to prevent the importation of impure and unwholesome tea," approved March second, eighteen hundred and ninety-seven, and any Act amendatory thereof.

692. Teeth, natural, or unmanufactured.

693. Terra alba, not made from gypsum or plaster rock.

694. *Terra japonica*.

695. Tin ore, cassiterite or black oxide of tin, and tin in bars, blocks, pigs, or grain or granulated: *Provided*, That there shall be imposed and paid upon cassiterite, or black oxide of tin, and upon bar, block, pig tin and grain or granulated, a duty of four cents per pound when it is made to appear to the satisfaction of the President of the United States that the mines of the United States are producing one thousand five hundred tons of cassiterite and bar, block, and pig tin per year. The President shall make known this fact by proclamation, and thereafter said duties shall go into effect.

696. Tobacco stems.

697. Tonquin, tonqua, or tonka beans.

698. Turmeric.

699. Turpentine, Venice.

700. Turpentine, spirits of.

701. Turtles.

702. Types, old, and fit only to be remanufactured.

703. Uranium, oxide and salts of.

704. Vaccine virus.

705. Valonia.

706. Verdigris, or subacetate of copper.

707. Wax, vegetable or mineral.

708. Wafers, unleavened or not edible.

709. Wearing apparel, articles of personal adornment, toilet articles, and similar personal effects of persons arriving in the United States; but this exemption shall only include such articles as actually accompany and are in the use of, and as are necessary and appropriate for the wear and use of such persons, for the immediate purposes of the journey and present comfort and convenience, and shall not be held to apply to merchandise or articles intended for other persons or for sale: *Provided*, That in case of residents of the United States returning from abroad, all wearing apparel and other personal effects taken by them out of the United States to foreign countries shall be admitted free of duty, without regard to their value, upon their identity being established, under appropriate rules and regulations to be prescribed by the Secretary of the Treasury, but no more than one hundred dollars in value of articles purchased abroad by such residents of the United States shall be admitted free of duty upon their return.

710. Whalebone, unmanufactured.

711. Witherite.

712. Wood: Logs and round unmanufactured timber, including pulp woods, firewood, handle bolts, shingle bolts, gun blocks for gunstocks rough hewn or sawed or planed on one side, hop poles, ship timber and ship plank-ing; all the foregoing not specially provided for in this section.

713. Woods: Cedar, *lignum-vitæ*, lancewood, ebony, box, granadilla, mahogany, rosewood, satinwood, and all forms of cabinet woods, in the log, rough, or hewn only, and red cedar (*Juniperus Virginiana*) timber, hewn, sided, squared, or round; sticks of partridge, hair wood, pimento, orange, myrtle, bamboo, rattan, reeds unmanufactured, india malacca joints, and other woods not specially provided for in this section, in the rough, or not further advanced than cut into lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes.

714. Works of art, drawings, engravings, photographic pictures, and philosophical and scientific apparatus brought by professional artists, lecturers, or scientists arriving from abroad for use by them temporarily for exhibition

and in illustration, promotion, and encouragement of art, science, or industry in the United States, and not for sale, shall be admitted free of duty, under such regulations as the Secretary of the Treasury shall prescribe; but bonds shall be given for the payment to the United States of such duties as may be imposed by law upon any and all such articles as shall not be exported within six months after such importation: *Provided*, That the Secretary of the Treasury may, in his discretion, extend such period for a further term of six months in cases where applications therefor shall be made.

715. Works of art, collections in illustration of the progress of the arts, sciences, or manufactures, photographs, works in terra cotta, parian, pottery, or porcelain, antiquities and artistic copies thereof in metal or other material, imported in good faith for exhibition at a fixed place by any State or by any society or institution established for the encouragement of the arts, science, or education, or for a municipal corporation, and all like articles imported in good faith by any society or association, or for a municipal corporation for the purpose of erecting a public monument, and not intended for sale, nor for any other purpose than herein expressed; but bonds shall be given under such rules and regulations as the Secretary of the Treasury may prescribe, for the payment of lawful duties which may accrue should any of the articles aforesaid be sold, transferred, or used contrary to this provision, and such articles shall be subject, at any time, to examination and inspection by the proper officers of the customs: *Provided*, That the privileges of this and the preceding section shall not be allowed to associations or corporations engaged in or connected with business of a private or commercial character.

716. Works of art, productions of American artists residing temporarily abroad, or other works of art, including pictorial paintings on glass, imported expressly for presentation to a national institution, or to any state or municipal corporation or incorporated religious society, college, or other public institution, except stained or painted window glass or stained or painted glass windows, and except any article, in whole or in part, molded, cast, or mechanically wrought from metal within twenty years prior to importation; but such exemption shall be subject to such regulations as the Secretary of the Treasury may prescribe.

717. Works of art, including paintings in oil, mineral, water, or other colors, pastels, original drawings and sketches, etchings and engravings, and sculptures, which are proved to the satisfaction of the Secretary of the Treasury under rules prescribed by him to have been in existence more than twenty years prior to the date of their importation, but the term "sculptures" as herein used shall be understood to include professional productions of sculptors only, whether round or in relief, in bronze, marble, stone, terra cotta, ivory, wood, or metal; and the word "painting," as used in this Act, shall not be understood to include any article of utility nor such as are made wholly or in part by stenciling or any other mechanical process; and the words "etchings" and "engravings," as used in this Act, shall be understood to include only such as are printed by hand from plates or blocks etched or engraved with hand tools, and not such as are printed from plates or blocks etched or engraved by photo-chemical processes. Other works of art (except rugs and carpets), collections in illustration of the progress of the arts, works in bronze, marble, terra cotta, parian, pottery, or porcelain, artistic antiquities, and objects of art of ornamental character or educational value which shall have been produced more than one hundred years prior to the date of importation, but the free importation of such objects shall be subject to such regulations as to proof of antiquity as the Secretary of the Treasury may prescribe.

718. Zaffer.

The provisions of the dutiable list and the free list of this section shall constitute the minimum tariff of the United States.

SEC. 2. That from and after the thirty-first day of March, nineteen hundred and ten, except as otherwise specially provided for in this section, there shall be levied, collected, and paid on all articles when imported from any foreign country into the United States, or into any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), the rates of duty prescribed by the schedules and paragraphs of the dutiable list of section one of this Act, and in addition thereto twenty-five per centum ad valorem; which rates shall constitute the maximum tariff of the United States: *Provided*, That whenever, after the thirty-first day of March, nineteen hundred and ten, and so long thereafter as the President shall be satisfied, in view of the character of the concessions granted by the minimum tariff of the United States, that the government of any foreign country imposes no terms or restrictions, either in the way of tariff rates or provisions, trade or other regulations, charges, exactions, or in any other manner, directly or indirectly, upon the importation into or the sale in such foreign country of any agricultural, manufactured, or other product of the United States, which unduly discriminate against the United States or the products thereof, and that such foreign country pays no export bounty or imposes no export duty or prohibition upon the exportation of any article to the United States which unduly discriminates against the United States or the products thereof, and that such foreign country accords to the agricultural, manufactured, or other products of the United States treatment which is reciprocal and equivalent, thereupon and thereafter, upon proclamation to this effect by the President of the United States, all articles when imported into the United States, or any of its possessions (except the Philippine Islands and the islands of Guam and Tutuila), from such foreign country shall, except as otherwise herein provided, be admitted under the terms of the minimum tariff of the United States as prescribed by section one of this Act. The proclamation issued by the President under the authority hereby conferred and the application of the minimum tariff thereupon may, in accordance with the facts as found by the President, extend to the whole of any foreign country, or may be confined to or exclude from its effect any dependency, colony, or other political subdivision having authority to adopt and enforce tariff legislation, or to impose restrictions or regulations, or to grant concessions upon the exportation or importation of articles which are, or may be, imported into the United States. Whenever the President shall be satisfied that the conditions which led to the issuance of the proclamation hereinbefore authorized no longer exist, he shall issue a proclamation to this effect, and ninety days thereafter the provisions of the maximum tariff shall be applied to the importation of articles from such country. Whenever the provisions of the maximum tariff of the United States shall be applicable to articles imported from any foreign country they shall be applicable to the products of such country, whether imported directly from the country of production or otherwise. To secure information to assist the President in the discharge of the duties imposed upon him by this section, and the officers of the Government in the administration of the customs laws, the President is hereby authorized to employ such persons as may be required.

SEC. 3. That nothing in this Act contained shall be so construed as to abrogate or in any manner impair or affect the provisions of the treaty of commercial reciprocity concluded between the United States and the Republic

of Cuba on the eleventh day of December, nineteen hundred and two, or the provisions of the Act of Congress heretofore passed for the execution of the same.

SEC. 4. That the President shall have power and it shall be his duty to give notice, within ten days after the passage of this Act, to all foreign countries with which commercial agreements in conformity with the authority granted by section three of the Act entitled, "An Act to provide revenue for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, have been or shall have been entered into, of the intention of the United States to terminate such agreement at a time specified in such notice, which time shall in no case, except as hereinafter provided, be longer than the period of time specified in such agreements respectively for notice for their termination; and upon the expiration of the periods when such notice of termination shall become effective the suspension of duties provided for in such agreements shall be revoked, and thereafter importations from said countries shall be subject to no other conditions or rates of duty than those prescribed by this Act and such other Acts of Congress as may be continued in force: *Provided*, That until the expiration of the period when the notice of intention to terminate hereinbefore provided for shall have become effective, or until such date prior thereto as the high contracting parties may by mutual consent select, the terms of said commercial agreements shall remain in force: *And provided further*, That in the case of those commercial agreements or arrangements made in accordance with the provisions of section three of the tariff Act of the United States approved July twenty-fourth, eighteen hundred and ninety-seven, which contain no stipulations in regard to their termination by diplomatic action, the President is authorized to give to the governments concerned a notice of termination of six months, which notice shall date from April thirtieth, nineteen hundred and nine.

SEC. 5. That there shall be levied, collected, and paid upon all articles coming into the United States from the Philippine Islands the rates of duty which are required to be levied, collected, and paid upon like articles imported from foreign countries: *Provided*, That, except as otherwise hereinafter provided, all articles, the growth or product of or manufactured in the Philippine Islands from materials the growth or product of the Philippine Islands or of the United States, or of both, or which do not contain foreign materials to the value of more than twenty per centum of their total value, upon which no drawback of customs duties has been allowed therein, coming into the United States from the Philippine Islands shall hereafter be admitted free of duty, except rice, and except, in any fiscal year, sugar in excess of three hundred thousand gross tons, wrapper tobacco and filler tobacco when mixed or packed with more than fifteen per centum of wrapper tobacco in excess of three hundred thousand pounds, filler tobacco in excess of one million pounds, and cigars in excess of one hundred and fifty million cigars, which quantities shall be ascertained by the Secretary of the Treasury under such rules and regulations as he shall prescribe: *And provided further*, That sugar, refined or unrefined, and tobacco, manufactured or unmanufactured, imported into the Philippine Islands from foreign countries, shall be dutiable at rates of import duty therein not less than the rates of import duty imposed upon sugar and tobacco in like forms when imported into the United States: *And provided further*, That, under rules and regulations to be prescribed by the Secretary of the Treasury, preference in the right of free entry of sugar to be imported into the United

States from the Philippine Islands, as provided herein, shall be given, first, to the producers of less than five hundred gross tons in any fiscal year, then to producers of the lowest output in excess of five hundred gross tons in any fiscal year: *Provided, however,* That in consideration of the exemptions aforesaid, all articles, the growth, product, or manufacture of the United States, upon which no drawback of customs duties has been allowed therein, shall be admitted to the Philippine Islands from the United States free of duty: *And provided further,* That the free admission, herein provided, of such articles, the growth, product, or manufacture of the United States, into the Philippine Islands, or of the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands into the United States, shall be conditioned upon the direct shipment thereof from the country of origin to the country of destination: *Provided,* That direct shipment shall include shipments in bond through foreign territory contiguous to the United States: *Provided, however,* That if such articles become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident or necessity and that the merchandise involved is the identical merchandise originally shipped from the United States or the Philippine Islands, as the case may be, and that its condition has not been changed except for such damage as may have been sustained: *And provided further,* That all articles, the growth, product, or manufacture, as hereinbefore defined, of the Philippine Islands, admitted into the ports of the United States free of duty under the provisions of this section and shipped as hereinbefore provided from said islands to the United States for use and consumption therein, shall be hereafter exempt from the payment of any export duties imposed in the Philippine Islands: *And provided further,* That there shall be levied, collected, and paid, in the United States, upon articles, goods, wares, or merchandise coming into the United States from the Philippine Islands, a tax equal to the internal-revenue tax imposed in the United States upon the like articles, goods, wares, or merchandise of domestic manufacture; such tax to be paid by internal-revenue stamp or stamps, to be provided by the Commissioner of Internal Revenue, and to be affixed in such manner and under such regulations as he, with the approval of the Secretary of the Treasury, shall prescribe; and such articles, goods, wares, or merchandise, shipped from said islands to the United States, shall be exempt from the payment of any tax imposed by the internal-revenue laws of the Philippine Islands: *And provided further,* That there shall be levied, collected, and paid in the Philippine Islands, upon articles, goods, wares, or merchandise going into the Philippine Islands from the United States, a tax equal to the internal-revenue tax imposed in the Philippine Islands upon the like articles, goods, wares, or merchandise of Philippine Islands manufacture; such tax to be paid by internal-revenue stamps or otherwise, as provided by the laws in the Philippine Islands, and such articles, goods, wares, or merchandise going into the Philippine Islands from the United States shall be exempt from the payment of any tax imposed by the internal-revenue laws of the United States: *And provided further,* That, in addition to the customs taxes imposed in the Philippine Islands, there shall be levied, collected, and paid therein upon articles, goods, wares, or merchandise, imported into the Philippine Islands from countries other than the United States, the internal-revenue tax imposed by the Philippine government on like articles manufactured and consumed in the Philippine Islands or shipped thereto, for consumption therein, from the United States: *And provided further,* That from and after the passage of this Act all internal revenues collected in or for

account of the Philippine Islands shall accrue intact to the general government thereof and be paid into the Insular treasury, and shall only be allotted and paid out therefrom in accordance with future acts of the Philippine legislature, subject, however, to section seven of the Act of Congress approved July first, nineteen hundred and two, entitled "An Act temporarily to provide for the administration of the affairs of civil government in the Philippine Islands, and for other purposes." *And provided further*, That, until action by the Philippine legislature, approved by Congress, internal revenues paid into the Insular treasury, as hereinbefore provided, shall be allotted and paid out by the Philippine Commission.

Sec. 6. That whenever any country, dependency, colony, province or other political subdivision of government shall pay or bestow, directly or indirectly, any bounty or grant upon the exportation of any article or merchandise from such country, dependency, colony, province or other political subdivision of government, and such article or merchandise is dutiable under the provisions of this Act, then upon the importation of any such article or merchandise into the United States, whether the same shall be imported directly from the country of production or otherwise, and whether such article or merchandise is imported in the same condition as when exported from the country of production or has been changed in condition by remanufacture or otherwise, there shall be levied and paid, in all such cases, in addition to the duties otherwise imposed by this Act, an additional duty equal to the net amount of such bounty or grant, however the same be paid or bestowed. The net amount of all such bounties or grants shall be from time to time ascertained, determined, and declared by the Secretary of the Treasury, who shall make all needful regulations for the identification of such articles and merchandise and for the assessment and collection of such additional duties.

Sec. 7. That all articles of foreign manufacture or production, which are capable of being marked, stamped, branded, or labeled, without injury, shall be marked, stamped, branded, or labeled in legible English words, in a conspicuous place that shall not be covered or obscured by any subsequent attachments or arrangements, so as to indicate the country of origin. Said marking, stamping, branding, or labeling shall be as nearly indelible and permanent as the nature of the article will permit.

All packages containing imported articles shall be marked, stamped, branded, or labeled so as to indicate legibly and plainly, in English words, the country of origin and the quantity of their contents, and until marked in accordance with the directions prescribed in this section no articles or packages shall be delivered to the importer.

Should any article or package of imported merchandise be marked, stamped, branded, or labeled so as not accurately to indicate the quantity, number or measurement actually contained in such article or package, no delivery of the same shall be made to the importer until the mark, stamp, brand, or label, as the case may be, shall be changed so as to conform to the facts of the case.

The Secretary of the Treasury shall prescribe the necessary rules and regulations to carry out the foregoing provision.

Sec. 8. If any person shall fraudulently violate any of the provisions of this Act relating to the marking, stamping, branding or labeling of any imported articles or packages; or shall fraudulently deface, destroy, remove, alter, or obliterate any such marks, stamps, brands, or labels with intent to conceal the information given by or contained in such marks, stamps, brands, or labels, he

shall upon conviction be fined in any sum not exceeding five thousand dollars, or be imprisoned for any time not exceeding one year, or both.

SEC. 9. That all persons are prohibited from importing into the United States from any foreign country any obscene book, pamphlet, paper, writing, advertisement, circular, print, picture, drawing, or other representation, figure, or image on or of paper or other material, or any cast, instrument, or other article of an immoral nature, or any drug or medicine, or any article whatever for the prevention of conception or for causing unlawful abortion, or any lottery ticket or any advertisement of any lottery. No such articles, whether imported separately or contained in packages with other goods entitled to entry, shall be admitted to entry; and all such articles shall be proceeded against, seized, and forfeited by due course of law. All such prohibited articles and the package in which they are contained in the course of importation shall be detained by the officer of customs, and proceedings taken against the same as hereinafter prescribed, unless it appears to the satisfaction of the collector of customs that the obscene articles contained in the package were inclosed therein without the knowledge or consent of the importer, owner, agent, or consignee: *Provided*, That the drugs hereinbefore mentioned, when imported in bulk and not put up for any of the purposes hereinbefore specified, are excepted from the operation of this section.

SEC. 10. That whoever, being an officer, agent, or employee of the Government of the United States, shall knowingly aid or abet any person engaged in any violation of any of the provisions of law prohibiting importing, advertising, dealing in, exhibiting, or sending or receiving by mail obscene or indecent publications or representations, or means for preventing conception or procuring abortion, or other articles of indecent or immoral use or tendency, shall be deemed guilty of a misdemeanor, and shall for every offense be punishable by a fine of not more than five thousand dollars, or by imprisonment at hard labor for not more than ten years, or both.

SEC. 11. That any judge of any district or circuit court of the United States, within the proper district, before whom complaint in writing of any violation of the two preceding sections is made, to the satisfaction of such judge, and founded on knowledge or belief, and if upon belief, setting forth the grounds of such belief, and supported by oath or affirmation of the complainant, may issue, conformably to the Constitution, a warrant directed to the marshal or any deputy marshal in the proper district, directing him to search for, seize, and take possession of any such article or thing mentioned in the two preceding sections, and to make due and immediate return thereof to the end that the same may be condemned and destroyed by proceedings, which shall be conducted in the same manner as other proceedings in the case of municipal seizure, and with the same right of appeal or writ of error.

SEC. 12. That the importation of neat cattle and the hides of neat cattle from any foreign country into the United States is prohibited: *Provided*, That the operation of this section shall be suspended as to any foreign country or countries, or any parts of such country or countries, whenever the Secretary of the Treasury shall officially determine, and give public notice thereof, that such importation will not tend to the introduction or spread of contagious or infectious diseases among the cattle of the United States; and the Secretary of the Treasury is hereby authorized and empowered, and it shall be his duty, to make all necessary orders and regulations to carry this section into effect,

or to suspend the same as herein provided, and to send copies thereof to the proper officers in the United States and to such officers or agents of the United States in foreign countries as he shall judge necessary.

SEC. 13. That any person convicted of a willful violation of any of the provisions of the preceding section shall be fined not exceeding five hundred dollars, or imprisoned not exceeding one year, or both, in the discretion of the court.

SEC. 14. That all goods, wares, articles, and merchandise manufactured wholly or in part in any foreign country by convict labor shall not be entitled to entry at any of the ports of the United States, and the importation thereof is hereby prohibited, and the Secretary of the Treasury is authorized and directed to prescribe such regulations as may be necessary for the enforcement of this provision.

SEC. 15. That a discriminating duty of ten per centum ad valorem, in addition to the duties imposed by law, shall be levied, collected, and paid on all goods, wares, or merchandise which shall be imported in vessels not of the United States, or which being the production or manufacture of any foreign country not contiguous to the United States, shall come into the United States from such contiguous country; but this discriminating duty shall not apply to goods, wares, or merchandise which shall be imported in vessels not of the United States entitled at the time of such importation by treaty or convention or Act of Congress to be entered in the ports of the United States on payment of the same duties as shall then be payable on goods, wares, and merchandise imported in vessels of the United States, nor to such foreign products or manufactures as shall be imported from such contiguous countries in the usual course of strictly retail trade.

SEC. 16. That no goods, wares, or merchandise, unless in cases provided for by treaty, shall be imported into the United States from any foreign port or place, except in vessels of the United States, or in such foreign vessels as truly and wholly belong to the citizens or subjects of that country of which the goods are the growth, production, or manufacture, or from which such goods, wares, or merchandise can only be, or most usually are, first shipped for transportation. All goods, wares, or merchandise imported contrary to this section, and the vessel wherein the same shall be imported, together with her cargo, tackle, apparel, and furniture, shall be forfeited to the United States; and such goods, wares, or merchandise, ship, or vessel, and cargo shall be liable to be seized, prosecuted, and condemned in like manner, and under the same regulations, restrictions, and provisions as have been heretofore established for the recovery, collection, distribution, and remission of forfeitures to the United States by the several revenue laws.

SEC. 17. That the preceding section shall not apply to vessels or goods, wares, or merchandise imported in vessels of a foreign nation which does not maintain a similar regulation against vessels of the United States.

SEC. 18. That machinery for repair may be imported into the United States without payment of duty, under bond, to be given in double the appraised value thereof, to be withdrawn and exported after said machinery shall have been repaired; and the Secretary of the Treasury is authorized and directed to prescribe such rules and regulations as may be necessary to protect the revenue against fraud and secure the identity and character of all such importations

moved from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon and there smelted or refined, or both, together with other ores or crude metals of home or foreign production: *Provided*, That the several charges against such bonds may be canceled upon the exportation or delivery to a bonded manufacturing warehouse, established under section twenty-three of this Act, of the actual amount of lead produced from the smelting or refining, or both, of such ores or crude metals: *And provided further*, That said lead may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom upon the payment of the duties chargeable against it in that condition: *Provided further*, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury, and at the expense of the manufacturer: *Provided further*, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury.

SEC. 25. That where imported materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties: *Provided*, That when the articles exported are made in part from domestic materials the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

That on the exportation of medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used: *Provided*, That no other than domestic tax-paid alcohol shall have been used in the manufacture or production of such preparations. Such drawback shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation, as the Secretary of the Treasury shall prescribe.

That the provisions of this section shall apply to materials used in the construction and equipment of vessels built for foreign account and ownership, or for the government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported.

SEC. 26. That upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal

the manufacture of distilled spirits from grain, starch, molasses or sugar, including all dilutions or mixtures of them or either of them, shall not be permitted in such manufacturing warehouses.

Whenever goods manufactured in any bonded warehouse established under the provisions of the preceding paragraph shall be exported directly therefrom or shall be duly laden for transportation and immediate exportation under the supervision of the proper officer who shall be duly designated for that purpose, such goods shall be exempt from duty and from the requirements relating to revenue stamps.

Any materials used in the manufacture of such goods, and any packages, coverings, vessels, brands, and labels used in putting up the same may, under the regulations of the Secretary of the Treasury, be conveyed without the payment of revenue tax or duty into any bonded manufacturing warehouse, and imported goods may, under the aforesaid regulations, be transferred without the exaction of duty from any bonded warehouse into any bonded manufacturing warehouse; but this privilege shall not be held to apply to implements, machinery, or apparatus to be used in the construction or repair of any bonded manufacturing warehouse or for the prosecution of the business carried on therein.

No articles or materials received into such bonded manufacturing warehouse shall be withdrawn or removed therefrom except for direct shipment and exportation or for transportation and immediate exportation in bond to foreign countries or to the Philippine Islands under the supervision of the officer duly designated therefor by the collector of the port, who shall certify to such shipment and exportation, or lading for transportation, as the case may be, describing the articles by their mark or otherwise, the quantity, the date of exportation, and the name of the vessel: *Provided*, That the waste material or by-products incident to the processes of manufacture in said bonded warehouses may be withdrawn for domestic consumption on the payment of duty equal to the duty which would be assessed and collected, by law, if such waste or by-products were imported from a foreign country. All labor performed and services rendered under these provisions shall be under the supervision of a duly designated officer of the customs and at the expense of the manufacturer.

A careful account shall be kept by the collector of all merchandise delivered by him to any bonded manufacturing warehouse, and a sworn monthly return, verified by the customs officers in charge, shall be made by the manufacturers containing a detailed statement of all imported merchandise used by him in the manufacture of exported articles.

Before commencing business the proprietor of any manufacturing warehouse shall file with the Secretary of the Treasury a list of all the articles intended to be manufactured in such warehouse, and state the formula of manufacture and the names and quantities of the ingredients to be used therein.

Articles manufactured under these provisions may be withdrawn under such regulations as the Secretary of the Treasury may prescribe for transportation and delivery into any bonded warehouse at an exterior port for the sole purpose of immediate export therefrom.

The provisions of Revised Statutes thirty-four hundred and thirty-three shall, so far as may be practicable, apply to any bonded manufacturing warehouse established under this Act and to the merchandise conveyed therein.

SEC. 24. That the works of manufacturers engaged in smelting or refining, or both, of ores and crude metals, may upon the giving of satisfactory bonds be designated as bonded smelting warehouses. Ores or crude metals may be re-

moved from the vessel or other vehicle in which imported, or from a bonded warehouse, into a bonded smelting warehouse without the payment of duties thereon and there smelted or refined, or both, together with other ores or crude metals of home or foreign production: *Provided*, That the several charges against such bonds may be canceled upon the exportation or delivery to a bonded manufacturing warehouse, established under section twenty-three of this Act, of the actual amount of lead produced from the smelting or refining, or both, of such ores or crude metals: *And provided further*, That said lead may be withdrawn for domestic consumption or transferred to a bonded customs warehouse and withdrawn therefrom upon the payment of the duties chargeable against it in that condition: *Provided further*, That all labor performed and services rendered pursuant to this section shall be under the supervision of an officer of the customs, to be appointed by the Secretary of the Treasury, and at the expense of the manufacturer: *Provided further*, That all regulations for the carrying out of this section shall be prescribed by the Secretary of the Treasury.

SEC. 25. That where imported materials on which duties have been paid are used in the manufacture of articles manufactured or produced in the United States, there shall be allowed on the exportation of such articles a drawback equal in amount to the duties paid on the materials used, less one per centum of such duties: *Provided*, That when the articles exported are made in part from domestic materials the imported materials, or the parts of the articles made from such materials, shall so appear in the completed articles that the quantity or measure thereof may be ascertained: *And provided further*, That the drawback on any article allowed under existing law shall be continued at the rate herein provided. That the imported materials used in the manufacture or production of articles entitled to drawback of customs duties when exported shall, in all cases where drawback of duties paid on such materials is claimed, be identified, the quantity of such materials used and the amount of duties paid thereon shall be ascertained, the facts of the manufacture or production of such articles in the United States and their exportation therefrom shall be determined, and the drawback due thereon shall be paid to the manufacturer, producer, or exporter, to the agent of either or to the person to whom such manufacturer, producer, exporter, or agent shall in writing order such drawback paid, under such regulations as the Secretary of the Treasury shall prescribe.

That on the exportation of medicinal or toilet preparations (including perfumery) hereafter manufactured or produced in the United States in part from domestic alcohol on which an internal-revenue tax has been paid, there shall be allowed a drawback equal in amount to the tax found to have been paid on the alcohol so used: *Provided*, That no other than domestic tax-paid alcohol shall have been used in the manufacture or production of such preparations. Such drawback shall be determined and paid under such rules and regulations, and upon the filing of such notices, bonds, bills of lading, and other evidence of payment of tax and exportation, as the Secretary of the Treasury shall prescribe.

That the provisions of this section shall apply to materials used in the construction and equipment of vessels built for foreign account and ownership, or for the government of any foreign country, notwithstanding that such vessels may not within the strict meaning of the term be articles exported.

SEC. 26. That upon the reimportation of articles once exported, of the growth, product, or manufacture of the United States, upon which no internal

tax has been assessed or paid, or upon which such tax has been paid and refunded by allowance or drawback, there shall be levied, collected, and paid a duty equal to the tax imposed by the internal-revenue laws upon such articles, except articles manufactured in bonded warehouses and exported pursuant to law, which shall be subject to the same rate of duty as if originally imported, but proof of the identity of such articles shall be made under general regulations to be prescribed by the Secretary of the Treasury.

SEC. 27. That the produce of the forests of the State of Maine upon the Saint John River and its tributaries, owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being otherwise unmanufactured in whole or in part, which is now admitted into the ports of the United States free of duty, shall continue for two years after the date of the passage of this Act and no longer to be so admitted, under such regulations as the Secretary of the Treasury shall from time to time prescribe.

That the produce of the forests of the State of Maine upon the Saint Croix River and its tributaries owned by American citizens, and sawed or hewed in the Province of New Brunswick by American citizens, the same being otherwise unmanufactured in whole or in part, shall be admitted for two years after the date of the passage of this Act and no longer into the ports of the United States free of duty, under such regulations as the Secretary of the Treasury shall from time to time prescribe.

SEC. 28. That the Act entitled "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended, be further amended to read as follows:

"SEC. 1. That all merchandise imported into the United States shall, for the purpose of this Act, be deemed and held to be the property of the person to whom the same is consigned; and the holder of a bill of lading duly indorsed by the consignee therein named, or, if consigned to order, by the consignor, shall be deemed the consignee thereof; and in case of the abandonment of any merchandise to the underwriters the latter may be recognized as the consignee.

"SEC. 2. That all invoices of imported merchandise shall be made out in the currency of the place or country from whence the importations shall be made, or, if purchased, in the currency actually paid therefor, shall contain a correct, complete and detailed description of such merchandise, and of the packages, wrappings or other coverings containing it, and shall be made in triplicate or in quadruplicate in case of merchandise intended for immediate transportation without appraisement, and signed by the person owning or shipping the same, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, seller, manufacturer or owner.

"SEC. 3. That all such invoices shall, at or before the shipment of the merchandise, be produced to the consular officer of the United States of the consular district in which the merchandise was manufactured or purchased, as the case may be, for export to the United States, and shall have indorsed thereon, when so produced, a declaration signed by the purchaser, seller, manufacturer, owner, or agent, setting forth that the invoice is in all respects correct and true, and was made at the place from which the merchandise is to be exported to the United States; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof, and of

all charges thereon, as provided by this Act; and that no discounts, bounties, or drawbacks are contained in the invoice but such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer or owner making the declaration would have received, and was willing to receive, for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it includes all charges thereon as provided by this Act, and the actual quantity thereof; and that no different invoice of the merchandise mentioned in the invoice so produced has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the currency in which such invoice is made out is that which was actually paid for the merchandise by the purchaser.

"SEC. 4. That, except in case of personal effects accompanying the passenger, no importation of any merchandise exceeding one hundred dollars in value shall be admitted to entry without the production of a duly certified invoice thereof as required by law, or of an affidavit made by the owner, importer or consignee, before the collector or his deputy, showing why it is impracticable to produce such invoice; and no entry shall be made in the absence of a certified invoice, upon affidavit as aforesaid, unless such affidavit be accompanied by a statement in the form of an invoice, or otherwise, showing the actual cost of such merchandise, if purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the United States in the principal markets of the country from which the same has been imported; which statement shall be verified by the oath of the owner, importer, consignee or agent desiring to make entry of the merchandise, to be administered by the collector or his deputy, and it shall be lawful for the collector or his deputy to examine the deponent under oath, touching the sources of his knowledge, information or belief, in the premises, and to require him to produce any letter, paper or statement of account in his possession, or under his control, which may assist the officers of customs in ascertaining the actual value of the importation or any part thereof, and in default of such production, when so requested, such owner, importer, consignee or agent shall be thereafter debarred from producing any such letter, paper or statement for the purpose of avoiding any additional duty, penalty or forfeiture incurred under this Act, unless he shall show to the satisfaction of the court or the officers of the customs, as the case may be, that it was not in his power to produce the same when so demanded; and no merchandise shall be admitted to entry under the provisions of this section unless the collector shall be satisfied that the failure to produce a duly certified invoice is due to causes beyond the control of the owner, consignee or agent thereof: *Provided*, That the Secretary of the Treasury may make regulations by which books, magazines and other periodicals published and imported in successive parts, numbers, or volumes, and entitled to be imported free of duty, shall require but one declaration for the entire series. And when entry of merchandise exceeding one hundred dollars in value is made by a statement in the form of an invoice, the collector shall require a bond for the production of a duly certified invoice.

"SEC. 5. That whenever merchandise imported into the United States is entered by invoice, one of the following declarations, according to the nature of the case, shall be filed with the collector of the port at the time of entry by

the owner, importer, consignee, or agent, which declaration so filed shall be duly signed by the owner, importer, consignee, or agent before the collector, or before a notary public or other officer duly authorized by law to administer oaths and take acknowledgments, who may be designated by the Secretary of the Treasury to receive such declarations and to certify to the identity of the persons making them, under regulations to be prescribed by the Secretary of the Treasury; and every officer so designated shall file with the collector of the port a copy of his official signature and seal: *Provided*, That if any of the invoices or bills of lading of any merchandise imported in any one vessel which should otherwise be embraced in said entry, have not been received at the date of the entry, the declaration may state the fact, and thereupon such merchandise, of which the invoices or bills of lading are not produced, shall not be included in such entry, but may be entered subsequently.

**"DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT, WHERE MERCHANDISE
HAS BEEN ACTUALLY PURCHASED.**

"I, _____, do solemnly and truly declare that I am the consignee, importer, or agent of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of _____ are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the _____, whereof _____ is master, from _____, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purport to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief (insert the name and residence of the owner or owners) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual cost at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"DECLARATION OF CONSIGNEE, IMPORTER, OR AGENT WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

"I, _____, do solemnly and truly declare that I am the consignee, importer, or agent of the merchandise described in the annexed entry and invoice; that the invoice and bill of lading now presented by me to the collector of _____ are the true and only invoice and bill of lading by me received of all the goods, wares, and merchandise imported in the _____, whereof _____ is master, from _____, for account of any person whomsoever for whom I am authorized to enter the same; that the said invoice and bill of lading are in the state in which they were actually received by me, and that I do not know or believe in the existence of any other invoice or bill of lading of the said goods, wares, and merchandise; that the entry now delivered to the collector contains a just and true account of the said goods, wares, and merchandise, according to the said invoice and bill of lading; that nothing has been on my part, nor to my knowledge on the part of any other person, concealed or suppressed, whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that the said invoice and the declaration therein are in all respects true, and were made by the person by whom the same purport to have been made; and that if at any time hereafter I discover any error in the said invoice, or in the account now rendered of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district. And I do further solemnly and truly declare that to the best of my knowledge and belief (insert the name and residence of the owner or owners) is (or are) the owner (or owners) of the goods, wares, and merchandise mentioned in the annexed entry; that the invoice now produced by me exhibits the actual market value or wholesale price at the time of exportation to the United States in the principal markets of the country from whence imported of the said goods, wares, and merchandise, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs, charges, and expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other or different discount, bounty, or drawback but such as has been actually allowed on the same.

"DECLARATION OF OWNER IN CASES WHERE MERCHANDISE HAS BEEN ACTUALLY PURCHASED.

"I, _____, do solemnly and truly declare that I am the owner by purchase of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of _____ contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me, in the _____, whereof _____ is master, from _____; that the invoice and entry, which I now produce, contain a just and faithful account of the actual cost of the said goods, wares, and merchandise, and include and specify the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs, charges and

expenses incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty but such as has been actually allowed on the same; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; that to the best of my knowledge and belief the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made, and that if at any time hereafter I discover any error in the said invoice or in the account now produced of the said goods, wares, and merchandise, or receive any other invoice of the same, I will immediately make the same known to the collector of this district.

"DECLARATION OF MANUFACTURER OR OWNER IN CASES WHERE MERCHANDISE HAS NOT BEEN ACTUALLY PURCHASED.

"I, ———, do solemnly and truly declare that I am the owner (or manufacturer) of the merchandise described in the annexed entry and invoice; that the entry now delivered by me to the collector of ——— contains a just and true account of all the goods, wares, and merchandise imported by or consigned to me in the ———, whereof ——— is master, from ———; that the said goods, wares, and merchandise were not actually bought by me, or by my agent, in the ordinary mode of bargain and sale, but that nevertheless the invoice which I now produce contains a just and faithful valuation of the same, at their actual market value or wholesale price, at the time of exportation to the United States, in the principal markets of the country from whence imported for my account (or for account of myself or partners); that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets and is the price which I would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities; that the said invoice contains also a just and faithful account of all the cost of finishing said goods, wares, and merchandise to their present condition, and includes and specifies the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, which are not otherwise specially subject to duty under any paragraph of the tariff Act, and all other costs and charges incident to placing said goods, wares, and merchandise in condition, packed ready for shipment to the United States, and no other discount, drawback, or bounty, but such as has been actually allowed on the said goods, wares, and merchandise; that the said invoice and the declaration thereon are in all respects true, and were made by the person by whom the same purport to have been made; that I do not know nor believe in the existence of any invoice or bill of lading other than those now produced by me, and that they are in the state in which I actually received them. And I do further solemnly and truly declare that I have not in the said entry or invoice concealed or suppressed anything whereby the United States may be defrauded of any part of the duty lawfully due on the said goods, wares, and merchandise; and that if at any time hereafter I discover any error in the said invoice, or in the account now produced of the said goods, wares, and merchandise, or receive any other

invoice of the same, I will immediately make the same known to the collector of this district.

"SEC. 6. That any person who shall knowingly make any false statement in the declarations provided for in the preceding section, or shall aid or procure the making of any such false statement as to any matter material thereto, shall, on conviction thereof, be punished by a fine not exceeding five thousand dollars, or by imprisonment at hard labor not more than two years, or both, in the discretion of the court: *Provided*, That nothing in this section shall be construed to relieve imported merchandise from forfeiture by reason of such false statement or for any cause elsewhere provided by law.

"SEC. 7. That the owner, consignee, or agent of any imported merchandise may, at the time when he shall make and verify his written entry of such merchandise, but not afterwards, make such addition in the entry to or such deduction from the cost or value given in the invoice or pro forma invoice or statement in form of an invoice, which he shall produce with his entry, as in his opinion may raise or lower the same to the actual market value or wholesale price of such merchandise at the time of exportation to the United States, in the principal markets of the country from which the same has been imported; and the collector within whose district any merchandise may be imported or entered, whether the same has been actually purchased or procured otherwise than by purchase, shall cause the actual market value or wholesale price of such merchandise to be appraised; and if the appraised value of any article of imported merchandise subject to an ad valorem duty or to a duty based upon or regulated in any manner by the value thereof shall exceed the value declared in the entry, there shall be levied, collected, and paid, in addition to the duties imposed by law on such merchandise, an additional duty of one per centum of the total appraised value thereof for each one per centum that such appraised value exceeds the value declared in the entry: *Provided*, That the additional duties shall only apply to the particular article or articles in each invoice that are so undervalued and shall not be imposed upon any article upon which the amount of duty imposed by law on account of the appraised value does not exceed the amount of duty that would be imposed if the appraised value did not exceed the entered value, and shall be limited to seventy-five per centum of the appraised value of such article or articles. Such additional duties shall not be construed to be penal, and shall not be remitted nor payment thereof in any way avoided except in cases arising from a manifest clerical error, nor shall they be refunded in case of exportation of the merchandise, or on any other account, nor shall they be subject to the benefit of drawback: *Provided*, That if the appraised value of any merchandise shall exceed the value declared in the entry by more than seventy-five per centum, except when arising from a manifest clerical error, such entry shall be held to be presumptively fraudulent, and the collector of customs shall seize such merchandise and proceed as in case of forfeiture for violation of the customs laws, and in any legal proceeding other than a criminal prosecution that may result from such seizure, the undervaluation as shown by the appraisal shall be presumptive evidence of fraud, and the burden of proof shall be on the claimant to rebut the same, and forfeiture shall be adjudged unless he shall rebut such presumption of fraudulent intent by sufficient evidence. The forfeiture provided for in this section shall apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles in each invoice which are undervalued: *Provided further*, That all additional duties, penalties, or forfeitures applicable to merchandise entered by a duly certified invoice shall be alike applicable to merchandise entered by a pro forma invoice or

statement in the form of an invoice, and no forfeiture or disability of any kind incurred under the provisions of this section shall be remitted or mitigated by the Secretary of the Treasury. The duty shall not, however, be assessed in any case upon an amount less than the entered value.

"SEC. 8. That when merchandise entered for customs duty has been consigned for sale by or on account of the manufacturer thereof, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall, at the time of the entry of such merchandise, present to the collector of customs at the port where such entry is made, as a part of such entry, and in addition to the certified invoice or statement in the form of an invoice required by law, a statement signed by such manufacturer, declaring the cost of production of such merchandise, such cost to include all the elements of cost as stated in section eleven of this Act. When merchandise entered for customs duty has been consigned for sale by or on account of a person other than the manufacturer of such merchandise, to a person, agent, partner, or consignee in the United States, such person, agent, partner, or consignee shall at the time of the entry of such merchandise present to the collector of customs at the port where such entry is made, as a part of such entry, a statement signed by the consignor thereof, declaring that the merchandise was actually purchased by him or for his account, and showing the time when, the place where, and from whom he purchased the merchandise, and in detail the price he paid for the same: *Provided*, That the statements required by this section shall be made in triplicate, and shall bear the attestation of the consular officer of the United States resident within the consular district wherein the merchandise was manufactured, if consigned by the manufacturer or for his account, or from whence it was imported when consigned by a person other than the manufacturer, one copy thereof to be delivered to the person making the statement, one copy to be transmitted with the triplicate invoice of the merchandise to the collector of the port in the United States to which the merchandise is consigned, and the remaining copy to be filed in the consulate.

"SEC. 9. That if any consignor, seller, owner, importer, consignee, agent, or other person or persons, shall enter or introduce, or attempt to enter or introduce, into the commerce of the United States any imported merchandise by means of any fraudulent or false invoice, affidavit, letter, paper, or by means of any false statement, written or verbal, or by means of any false or fraudulent practice or appliance whatsoever, or shall be guilty of any willful act or omission by means whereof the United States shall or may be deprived of the lawful duties, or any portion thereof, accruing upon the merchandise, or any portion thereof, embraced or referred to in such invoice, affidavit, letter, paper, or statement, or affected by such act or omission, such merchandise, or the value thereof, to be recovered from such person or persons, shall be forfeited, which forfeiture shall only apply to the whole of the merchandise or the value thereof in the case or package containing the particular article or articles of merchandise to which such fraud or false paper or statement relates; and such person or persons shall, upon conviction, be fined for each offense a sum not exceeding five thousand dollars, or be imprisoned for a time not exceeding two years, or both, in the discretion of the court.

"SEC. 10. That it shall be the duty of the appraisers of the United States, and every of them, and every person who shall act as such appraiser, or of the collector, as the case may be, by all reasonable ways and means in his or their power to ascertain, estimate, and appraise (any invoice or affidavit thereto or statement of cost, or of cost of production to the contrary notwithstanding) the actual market value and wholesale price of the merchandise at the time

of exportation to the United States, in the principal markets of the country whence the same has been imported, and the number of yards, parcels, or quantities, and actual market value or wholesale price of every of them, as the case may require.

"SEC. 11. That when the actual market value, as defined by law, of any article of imported merchandise, wholly or partly manufactured and subject to an ad valorem duty, or to a duty based in whole or in part on value, can not be ascertained to the satisfaction of the appraising officer, such officer shall use all available means in his power to ascertain the cost of production of such merchandise at the time of exportation to the United States, and at the place of manufacture, such cost of production to include the cost of materials and of fabrication, and all general expenses to be estimated at not less than ten per centum, covering each and every outlay of whatsoever nature incident to such production, together with the expense of preparing and putting up such merchandise ready for shipment, and an addition of not less than eight nor more than fifty per centum upon the total cost as thus ascertained; and in no case shall such merchandise be appraised upon original appraisal or reappraisement at less than the total cost of production as thus ascertained. The actual market value or wholesale price, as defined by law, of any imported merchandise which is consigned for sale in the United States, or which is sold for exportation to the United States, and which is not actually sold or freely offered for sale in usual wholesale quantities in the open market of the country of exportation to all purchasers, shall not in any case be appraised at less than the wholesale price at which such or similar imported merchandise is actually sold or freely offered for sale in usual wholesale quantities in the United States in the open market, due allowance by deduction being made for estimated duties thereon, cost of transportation, insurance and other necessary expenses from the place of shipment to the place of delivery, and a commission not exceeding six per centum, if any has been paid or contracted to be paid on consigned goods, or a reasonable allowance for general expenses and profits (not to exceed eight per centum) on purchased goods.

"SEC. 12. That there shall be appointed by the President, by and with the advice and consent of the Senate, nine general appraisers of merchandise. Not more than five of such general appraisers shall be appointed from the same political party. They shall not be engaged in any other business, avocation, or employment. That the office of said general appraisers shall be at the port of New York, and three of them shall be on duty at that port daily as a board of general appraisers.

"All of the general appraisers of merchandise heretofore or hereafter appointed under the authority of said Act shall hold their office during good behavior, but may, after due hearing, be removed by the President for the following causes, and no other: Neglect of duty, malfeasance in office, or inefficiency.

"That hereafter the salary of each of the general appraisers of merchandise shall be at the rate of nine thousand dollars per annum.

"That the boards of general appraisers and the members thereof shall have and possess all the powers of a circuit court of the United States in preserving order, compelling the attendance of witnesses, and the production of evidence, and in punishing for contempt.

"All notices in writing to collectors of dissatisfaction of any decision thereof, as to the rate or amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), with the invoice and

all papers and exhibits, shall be forwarded to the board of nine general appraisers of merchandise at New York to be by rule thereof assigned for hearing or determination, or both. The President of the United States shall designate one of the board of nine general appraisers of merchandise as president of said board and others in order to act in his absence. Said general appraisers of merchandise shall be divided into three boards of three members each, to be denominated respectively Board 1, Board 2, and Board 3. The president of the board shall assign three general appraisers to each of said boards and shall designate one member of each of said boards as chairman thereof, and such assignment or designation may be by him changed from time to time, and he may assign or designate all boards of three general appraisers where it is now or heretofore was provided by law that such might be assigned or designated by the Secretary of the Treasury. The president of the board shall be competent to sit as a member of any board, or assign one or two other members thereto, in the absence or inability of any one or two members of such board. Each of the boards of three general appraisers, or a majority thereof, shall have full power to hear and determine all cases and questions arising therein or assigned thereto; and the general board of nine general appraisers, each of the boards of three general appraisers, and each of the general appraisers of merchandise, shall have all the jurisdiction and powers and proceed as now, heretofore, and herein provided. The said board of nine general appraisers shall have power to establish from time to time such rules of evidence, practice and procedure, not inconsistent with the statutes, as may be deemed necessary for the conduct and uniformity of its proceedings and decisions and the proceedings and decisions of the boards of three thereof; and for the production, care, and custody of samples and records of said board. The president of the board shall have control of the fiscal affairs and the clerical force of the board, make all recommendations for appointment, promotion, and otherwise affecting said clerical force; he may at any time before trial under the rules of said board assign or reassign any case for hearing, determination, or both, and shall designate a general appraiser or a board of general appraisers, and, if necessary, a clerk thereto, to proceed to any port within the jurisdiction of the United States for the purpose of hearing, or determining if authorized by law, causes assigned for hearing at such port, and shall cause to be prepared and duly promulgated dockets therefor. No member of any of said boards shall sit to hear or decide any case on appeal in the decision of which he may have previously participated. The board of three general appraisers, or a majority of them, who decided the case, may, upon motion of either party made within thirty days next after their decision, grant a rehearing or retrial of said case when in their opinion the ends of justice may require it.

"SEC. 13. That the appraiser shall revise and correct the reports of the assistant appraisers as he may judge proper, and the appraiser, or, at ports where there is no appraiser, the person acting as such, shall report to the collector his decision as to the value of the merchandise appraised. At ports where there is no appraiser the certificate of the customs officer to whom is committed the estimating and collection of duties, of the dutiable value of any merchandise required to be appraised, shall be deemed and taken to be the appraisement of such merchandise. If the collector shall deem the appraisement of any imported merchandise too low, he may, within sixty days thereafter, appeal to reappraisement, which shall be made by one of the general appraisers, or if the importer, owner, agent, or consignee of such merchandise shall be dissatisfied with the appraisement thereof, and shall have complied with the requirements of law with respect to the entry and appraisement of merchandise,

he may within ten days thereafter give notice to the collector, in writing, of such dissatisfaction. The decision of the general appraiser in cases of reappraisement shall be final and conclusive as to the dutiable value of such merchandise against all parties interested therein, unless the importer, owner, consignee, or agent of the merchandise shall be dissatisfied with such decision, and shall, within five days thereafter, give notice to the collector, in writing, of such dissatisfaction, or unless the collector shall deem the reappraisement of the merchandise too low, and shall within ten days thereafter appeal to re-appraisement; in either case the collector shall transmit the invoice and all the papers appertaining thereto to the board of nine general appraisers, to be by rule thereof duly assigned for determination. In such cases the general appraiser and boards of general appraisers shall proceed by all reasonable ways and means in their power to ascertain, estimate, and determine the dutiable value of the imported merchandise, and in so doing may exercise both judicial and inquisitorial functions. In such cases hearings may in the discretion of the General Appraiser or board of General Appraisers before whom the case is pending be open and in the presence of the importer or his attorney and any duly authorized representative of the Government, who may in like discretion examine and cross-examine all witnesses produced. The decision of the appraiser, or the person acting as such (in case where no objection is made thereto, either by the collector or by the importer, owner, consignee or agent) or the single general appraiser in case of no appeal, or of the board of three general appraisers, in all reappraisement cases, shall be final and conclusive against all parties and shall not be subject to review in any manner for any cause in any tribunal or court, and the collector or the person acting as such shall ascertain, fix, and liquidate the rate and amount of the duties to be paid on such merchandise, and the dutiable costs and charges thereon, according to law.

"SEC. 14. That the decision of the collector as to the rate and amount of duties chargeable upon imported merchandise, including all dutiable costs and charges, and as to all fees and exactions of whatever character (except duties on tonnage), shall be final and conclusive against all persons interested therein, unless the owner, importer, consignee, or agent of such merchandise, or the person paying such fees, charges, and exactions other than duties, shall, within fifteen days after but not before such ascertainment and liquidation of duties, as well in cases of merchandise entered in bond as for consumption, or within fifteen days after the payment of such fees, charges, and exactions, if dissatisfied with such decision, give notice in writing to the collector, setting forth therein distinctly and specifically, and in respect to each entry or payment, the reasons for his objections thereto, and if the merchandise is entered for consumption shall pay the full amount of the duties and charges ascertained to be due thereon. Upon such notice and payment the collector shall transmit the invoice and all the papers and exhibits connected therewith to the board of nine general appraisers, for due assignment and determination as hereinbefore provided; such determination shall be final and conclusive upon all persons interested therein, and the record shall be transmitted to the proper collector or person acting as such, who shall liquidate the entry accordingly, except in cases where an application shall be filed in the United States Court of Customs Appeals within the time and in the manner provided for in this Act.

"SEC. 15. That the general appraisers, or any of them, are hereby authorized to administer oaths, and said general appraisers, the boards of general appraisers, the local appraisers or the collectors, as the case may be, may cite to appear before them, and examine upon oath any owner, importer, agent, consignee, or other person touching any matter or thing which they, or either

of them, may deem material respecting any imported merchandise, in ascertaining the dutiable value or classification thereof; and they, or either of them, may require the production of any letters, accounts, or invoices relating to said merchandise, and may require such testimony to be reduced to writing, and when so taken it shall be filed in the office of the collector, and preserved for use or reference until the final decision of the collector or said board of appraisers shall be made respecting the valuation or classification of said merchandise, as the case may be.

"SEC. 16. That if any person so cited to appear shall neglect or refuse to attend, or shall decline to answer, or shall refuse to answer in writing any interrogatories, and subscribe his name to his deposition, or to produce such papers when so required by a general appraiser, or a board of general appraisers, or a local appraiser or a collector, he shall be liable to a penalty of one hundred dollars; and if such person be the owner, importer, or consignee, the appraisement which the general appraiser, or board of general appraisers, or local appraiser or collector, where there is no appraiser, may make of the merchandise shall be final and conclusive; and any person who shall willfully and corruptly swear falsely on an examination before any general appraiser, or board of general appraisers, or local appraiser or collector, shall be deemed guilty of perjury; and if he is the owner, importer, or consignee, the merchandise shall be forfeited.

"SEC. 17. That all decisions of the general appraisers and of the boards of general appraisers, respecting values and rates of duty, shall be preserved and filed, and shall be open to inspection under proper regulations to be prescribed by the Secretary of the Treasury. All decisions of the general appraisers shall be reported forthwith to the Secretary of the Treasury and to the board of general appraisers on duty at the port of New York, and the report to the board shall be accompanied, whenever practicable, by samples of the merchandise in question, and it shall be the duty of the said board, under the direction of the Secretary of the Treasury, to cause an abstract to be made and published of such decisions of the appraisers as they may deem important, and of the decisions of each of the general appraisers and boards of general appraisers, which abstract shall contain a general description of the merchandise in question, and of the value and rate of duty fixed in each case, with reference, whenever practicable, by number or other designation, to samples deposited in the place of samples at New York, and such abstract shall be issued from time to time, at least once in each week, for the information of customs officers and the public.

"SEC. 18. That whenever imported merchandise is subject to an ad valorem rate of duty, or to a duty based upon or regulated in any manner by the value thereof, the duty shall be assessed upon the actual market value or wholesale price thereof, at the time of exportation to the United States, in the principal markets of the country from whence exported; that such actual market value shall be held to be the price at which such merchandise is freely offered for sale to all purchasers in said markets, in the usual wholesale quantities, and the price which the manufacturer or owner would have received, and was willing to receive, for such merchandise when sold in the ordinary course of trade in the usual wholesale quantities, including the value of all cartons, cases, crates, boxes, sacks, casks, barrels, hogsheads, bottles, jars, demijohns, carboys, and other containers or coverings, whether holding liquids or solids, and all other costs, charges and expenses incident to placing the merchandise in condition, packed ready for shipment to the United States, and if there be used for covering or holding imported merchandise, whether dutiable or free, any

unusual article or form designed for use otherwise than in the bona fide transportation of such merchandise to the United States, additional duty shall be levied and collected upon such material or article at the rate to which the same would be subjected if separately imported. That the words "value," or "actual market value," or "wholesale price," whenever used in this Act, or in any law relating to the appraisement of imported merchandise, shall be construed to be the actual market value or wholesale price of such, or similar merchandise comparable in value therewith, as defined in this Act.

"SEC. 19. Any merchandise deposited in any public or private bonded warehouse may be withdrawn for consumption within three years from the date of original importation, on payment of the duties and charges to which it may be subject by law at the time of such withdrawal: *Provided*, That nothing herein shall affect or impair existing provisions of law in regard to the disposal of perishable or explosive articles.

"SEC. 20. That in all suits or informations brought, where any seizure has been made pursuant to any Act providing for or regulating the collection of duties on imports or tonnage, if the property is claimed by any person, the burden of proof shall lie upon such claimant: *Provided*, That probable cause is shown for such prosecution, to be judged of by the court.

"SEC. 21. That all fees exacted and oaths administered by officers of the customs, except as provided in this Act, under or by virtue of existing laws of the United States, upon the entry of imported goods and the passing thereof through the customs, and also upon all entries of domestic goods, wares, and merchandise for exportation, be, and the same are hereby, abolished; and in case of entry of merchandise for exportation, a declaration, in lieu of an oath, shall be filed, in such form and under such regulations as may be prescribed by the Secretary of the Treasury; and the penalties provided in the sixth section of this Act for false statements in such declaration shall be applicable to declarations made under this section: *Provided*, That where such fees, under existing laws, constitute, in whole or in part, the compensation of any officer, such officer shall receive, from and after the passage of this Act, a fixed sum for each year equal to the amount which he would have been entitled to receive as fees for such services during said year.

"SEC. 22. No allowance shall be made in the estimation and liquidation of duties for shortage or nonimportation caused by decay, destruction or injury to fruit or other perishable articles imported into the United States whereby their commercial value has been destroyed, unless under regulations prescribed by the Secretary of the Treasury. Proof to ascertain such destruction or nonimportation shall be lodged with the collector of customs of the port where such merchandise has been landed, or the person acting as such, within ten days after the landing of such merchandise. The provisions hereof shall apply whether or not the merchandise has been entered, and whether or not the duties have been paid or secured to be paid, and whether or not a permit of delivery has been granted to the owner or consignee. Nor shall any allowance be made for damage, but the importers may within ten days after entry abandon to the United States all or any portion of goods, wares or merchandise of every description included in any invoice and be relieved from the payment of duties on the portion so abandoned: *Provided*, That the portion so abandoned shall amount to ten per centum or more of the total value or quantity of the invoice. The right of abandonment herein provided for may be exercised whether the goods, wares or merchandise have been damaged or not, or whether or not the same have any commercial value: *Provided, further*, That section twenty-eight hundred and ninety-nine of the Revised Statutes, relating to the return of pack-

ages unopened for appraisement, shall in no wise prohibit the right of importers to make all needful examinations to determine whether the right to abandon accrues, or whether by reason of total destruction there is a nonimportation in whole or in part. All merchandise abandoned to the Government by the importers shall be delivered by the importers thereof at such place within the port of arrival as the chief officer of customs may direct, and on the failure of the importers to comply with the direction of the collector or the chief officer of customs, as the case may be, the abandoned merchandise shall be disposed of by the customs authorities under such regulations as the Secretary of the Treasury may prescribe, at the expense of such importers. Where imported fruit or perishable goods have been condemned at the port of original entry within ten days after landing, by health officers or other legally constituted authorities, the importers or their agents shall, within twenty-four hours after such condemnation, lodge with the collector, or the person acting as collector, of said port, notice thereof in writing, together with an invoice description and the quantity of the articles condemned, their location, and the name of the vessel in which imported. Upon receipt of said notice the collector, or person acting as collector, shall at once cause an investigation and a report to be made in writing by at least two customs officers touching the identity and quantity of fruit or perishable goods condemned, and unless proof to ascertain the shortage or nonimportation of fruit or perishable goods shall have been lodged as herein required, or if the importer or his agent fails to notify the collector of such condemnation proceedings as herein provided, proof of such shortage or nonimportation shall not be deemed established and no allowance shall be made in the liquidation of duties chargeable thereon.

"SEC. 23. That whenever it shall be shown to the satisfaction of the Secretary of the Treasury that, in any case of unascertained or estimated duties, or payments made upon appeal, more money has been paid to or deposited with a collector of customs than, as has been ascertained by final liquidation thereof, the law required to be paid or deposited, the Secretary of the Treasury shall direct the Treasurer to refund and pay the same out of any money in the Treasury not otherwise appropriated. The necessary moneys therefor are hereby appropriated, and this appropriation shall be deemed a permanent indefinite appropriation; and the Secretary of the Treasury is hereby authorized to correct manifest clerical errors in any entry or liquidation, for or against the United States, at any time within one year of the date of such entry, but not afterwards: *Provided*, That the Secretary of the Treasury shall, in his annual report to Congress, give a detailed statement of the various sums of money refunded under the provisions of this Act or of any other Act of Congress relating to the revenue, together with copies of the rulings under which repayments were made.

"SEC. 24. That from and after the taking effect of this Act, no collector or other officer of the customs shall be in any way liable to any owner, importer, consignee, or agent of any merchandise, or any other person, for or on account of any rulings or decisions as to the classification of said merchandise or the duties charged thereon, or the collection of any dues, charges, or duties on or on account of said merchandise, or any other matter or thing as to which said owner, importer, consignee, or agent of such merchandise might, under this Act, be entitled to appeal from the decision of said collector or other officer, or from any board of appraisers provided for in this Act.

"SEC. 25. That any person who shall give, or offer to give, or promise to give, any money or thing of value, directly or indirectly, to any officer or employee of the United States in consideration of or for any act or omission con-

trary to law in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or of the liquidation of the entry thereof, or shall by threats or demands or promises of any character attempt to improperly influence or control any such officer or employee of the United States as to the performance of his official duties shall, on conviction thereof, be fined not exceeding two thousand dollars, or be imprisoned at hard labor not more than one year, or both, in the discretion of the court; and evidence of such giving, or offering, or promising to give, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such giving or offering or promising was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not done with an unlawful intention.

"SEC. 26. That any officer or employee of the United States who shall, excepting for lawful duties or fees, solicit, demand, exact, or receive from any person, directly or indirectly, any money or thing of value in connection with or pertaining to the importation, appraisement, entry, examination, or inspection of goods, wares, or merchandise, including herein any baggage or liquidation of the entry thereof, on conviction thereof shall be fined not exceeding five thousand dollars or be imprisoned at hard labor not more than two years, or both, in the discretion of the court; and evidence of such soliciting, demanding, exacting, or receiving, satisfactory to the court in which such trial is had, shall be regarded as prima facie evidence that such soliciting, demanding, exacting, or receiving was contrary to law, and shall put upon the accused the burden of proving that such act was innocent and not with an unlawful intention.

"SEC. 27. That any baggage or personal effects arriving in the United States in transit to any foreign country may be delivered by the parties having it in charge to the collector of the proper district, to be by him retained, without the payment or exaction of any import duty, or to be forwarded by such collector to the collector of the port of departure and to be delivered to such parties on their departure for their foreign destination, under such rules and regulations as the Secretary of the Treasury may prescribe.

"SEC. 28. That sections twenty-six hundred and eight, twenty-eight hundred and thirty-eight, twenty-eight hundred and thirty-nine, twenty-eight hundred and forty-one, twenty-eight hundred and forty-three, twenty-eight hundred and forty-five, twenty-eight hundred and fifty-three, twenty-eight hundred and fifty-four, twenty-eight hundred and fifty-six, twenty-eight hundred and fifty-eight, twenty-eight hundred and sixty, twenty-nine hundred, twenty-nine hundred and two, twenty-nine hundred and five, twenty-nine hundred and seven, twenty-nine hundred and eight, twenty-nine hundred and nine, twenty-nine hundred and twenty-two, twenty-nine hundred and twenty-three, twenty-nine hundred and twenty-four, twenty-nine hundred and twenty-seven, twenty-nine hundred and twenty-nine, twenty-nine hundred and thirty, twenty-nine hundred and thirty-one, twenty-nine hundred and thirty-two, twenty-nine hundred and forty-three, twenty-nine hundred and forty-five, twenty-nine hundred and fifty-two, three thousand and eleven, three thousand and twelve, three thousand and twelve and one-half, three thousand and thirteen, of the Revised Statutes of the United States, be, and the same are hereby, repealed, and sections nine, ten, eleven, twelve, fourteen, and sixteen of an Act entitled 'An Act to amend the customs-revenue laws and to repeal moieties,' approved June twenty-second, eighteen hundred and seventy-four, and sections seven, eight, and nine of the Act entitled 'An Act to reduce internal-revenue taxation, and for other purposes,' approved March third, eighteen hundred and eighty-three, and all other Acts and parts of Acts inconsistent with the provisions of this Act, are hereby

repealed, but the repeal of existing laws or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal or modifications; but all rights and liabilities under said laws shall continue and may be enforced in the same manner, except as otherwise provided in this Act, as if said repeal or modifications had not been made. Any offenses committed, and all penalties or forfeitures or liabilities incurred prior to the passage of this Act under any statute embraced in or changed, modified, or repealed by this Act may be prosecuted and punished in the same manner and with the same effect as if this Act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this Act, shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this Act, may be commenced and prosecuted, except as otherwise provided in this Act, within the same time and with the same effect as if this Act had not been passed: *And provided further*, That nothing in this Act shall be construed to repeal the provisions of section three thousand and fifty-eight of the Revised Statutes as amended by the Act approved February twenty-third, eighteen hundred and eighty-seven, in respect to the abandonment of merchandise to underwriters or the salvors of property, and the ascertainment of duties thereon.

"SEC. 29. That a United States Court of Customs Appeals is hereby created, and said court shall consist of a presiding judge and four associate judges appointed by the President, by and with the advice and consent of the Senate, each of whom shall receive a salary of ten thousand dollars per annum. It shall be a court of record, with jurisdiction as hereinafter established and limited.

"Said court shall prescribe the form and style of its seal and the form of its writs and other process and procedure and exercise such powers conferred by law as may be conformable and necessary to the exercise of its jurisdiction. It shall have the services of a marshal, with the same duties and powers, under the regulations of the court, as are now provided for the marshal of the Supreme Court of the United States, so far as the same may be applicable. Said services within the District of Columbia shall be performed by a marshal at a salary of three thousand dollars per annum, to be appointed by and hold office during the pleasure of said court; said services outside the District of Columbia to be performed by the United States marshals in and for the districts where sessions of said court may be held, and to this end said marshals shall be the marshals of said Court of Customs Appeals. The court shall appoint a clerk, whose office shall be in the city of Washington, District of Columbia, and who shall perform and exercise the same duties and powers in regard to all matters within the jurisdiction of said court as are now exercised and performed by the clerk of the Supreme Court of the United States, so far as the same may be applicable. The salary of the clerk shall be four thousand dollars per annum, which sum shall be in full payment for all service rendered by such clerk, and all fees of any kind whatever, and all costs shall be by him turned into the United States Treasury. Said clerk shall not be appointed by the court or any judge thereof as a commissioner, master, receiver, or referee. The costs and fees in the said court shall be fixed and established by said court in a table of fees to be adopted and approved by the Supreme Court of the United States within four months after the organization of said court: *Provided*, That the costs and fees so fixed shall not, with respect to any item, exceed the costs and

fees charged in the Supreme Court of the United States; and the same shall be expended, accounted for, and paid over to the Treasury of the United States. The court shall have power to establish all rules and regulations for the conduct of the business of the court and as may be needful for the uniformity of decisions within its jurisdiction as conferred by law.

"The said Court of Customs Appeals shall always be open for the transaction of business, and sessions thereof may, in the discretion of the court, be held by the said court, in the several judicial circuits, and at such places as said court may from time to time designate.

"The presiding judge of said court shall be so designated in order of appointment and in the commission issued him by the President, and the associate judges shall have precedence according to the date of their commissions. Any three of the members of said court shall constitute a quorum, and the concurrence of three members of said court shall be necessary to any decision thereof.

"The said court shall organize and open for the transaction of business in the city of Washington, District of Columbia, within ninety days after the judges, or a majority of them, shall have qualified.

"After the organization of said court no appeal shall be taken or allowed from any Board of United States General Appraisers to any other court, and no appellate jurisdiction shall thereafter be exercised or allowed by any other courts in cases decided by said Board of United States General Appraisers; but all appeals allowed by law from such Board of General Appraisers shall be subject to review only in the Court of Customs Appeals hereby established, according to the provisions of this Act: *Provided*, That nothing in this Act shall be deemed to deprive the Supreme Court of the United States of jurisdiction to hear and determine all customs cases which have heretofore been certified to said court from the United States circuit courts of appeals on applications for writs of certiorari or otherwise, nor to review by writ of certiorari any customs case heretofore decided or now pending and hereafter decided by any circuit court of appeals, provided application for said writ be made within six months after the passage of this Act: *And provided further*, That all customs cases heretofore decided by a circuit or district court of the United States or a court of a Territory of the United States and which have not been removed from said courts by appeal or writ of error, and all such cases heretofore submitted for decision in said courts and remaining undecided may be reviewed on appeal at the instance of either party by the United States Court of Customs Appeals, provided such appeal be taken within one year from the date of the entry of the order, judgment or decree sought to be reviewed.

"The Court of Customs Appeals established by this Act shall exercise exclusive appellate jurisdiction to review by appeal, as provided by this Act, final decisions by a Board of General Appraisers in all cases as to the construction of the law and the facts respecting the classification of merchandise and the rate of duty imposed thereon under such classification, and the fees and charges connected therewith, and all appealable questions as to the jurisdiction of said board, and all appealable questions as to the laws and regulations governing the collection of the customs revenues; and the judgment or decrees of said Court of Customs Appeals shall be final in all such cases.

"Any judge who, in pursuance of the provisions of this Act, shall attend a session of the Court of Customs Appeals held at any place other than the city of Washington, District of Columbia, shall be paid, upon his written and itemized certificate, by the marshal of the district in which the court shall be held, his actual and necessary expenses incurred for travel and attendance, and

the actual and necessary expenses of one stenographic clerk who may accompany him, and such payments shall be allowed the marshal in the statement of his accounts with the United States.

"The marshal of said court for the District of Columbia and the marshals of the several districts in which said Court of Customs Appeals may be held shall, under the direction of the Attorney-General of the United States and with his approval, provide such rooms in the public buildings of the United States as may be necessary for said court: *Provided, however,* That in case proper rooms can not be provided in such buildings, then the said marshals, with the approval of the Attorney-General of the United States, may, from time to time, lease such rooms as may be necessary for said court. The bailiffs and messengers of said court shall be allowed the same compensation for their respective services as are allowed for similar services in the existing circuit courts; and in no case shall said marshals secure other rooms than those regularly occupied by existing circuit courts of appeals, circuit courts, or district courts, or other public officers, except where such can not, by reason of actual occupancy or use, be occupied or used by said Court of Customs Appeals.

"If the importer, owner, consignee, or agent of any imported merchandise, or the collector or Secretary of the Treasury, shall be dissatisfied with the decision of the Board of General Appraisers as to the construction of the law and the facts respecting the classification of such merchandise and the rate of duty imposed thereon under such classification, or with any other appealable decision of said board, they, or either of them, may, within sixty days next after the entry of such decree or judgment, and not afterwards, apply to the Court of Customs Appeals for a review of the questions of law and fact involved in such decision: *Provided,* That in Alaska and in the insular and other outside possessions of the United States ninety days shall be allowed for making such application to the Court of Customs Appeals. Such application shall be made by filing in the office of the clerk of said court a concise statement of errors of law and fact complained of, and a copy of such statement shall be served on the collector, or on the importer, owner, consignee, or agent, as the case may be. Thereupon the court shall immediately order the Board of General Appraisers to transmit to said court the record and evidence taken by them, together with the certified statement of the facts involved in the case and their decision thereon; and all the evidence taken by and before said board shall be competent evidence before said Court of Customs Appeals. The decision of said Court of Customs Appeals shall be final, and such cause shall be remanded to said Board of General Appraisers for further proceedings to be taken in pursuance of such determination.

"Immediately upon the organization of the Court of Customs Appeals all cases within the jurisdiction of that court pending and not submitted for decision in any of the United States circuit courts of appeals, United States circuit, territorial or district courts, shall, with the record and samples therein, be certified by said courts to said Court of Customs Appeals for further proceedings in accordance herewith: *Provided,* That where orders for the taking of further testimony before a referee have been made in any of such cases, the taking of such testimony shall be completed before such certification.

"That in case of a vacancy or the temporary inability or disqualification for any reason of one or two judges of said Court of Customs Appeals, the President of the United States may, upon the request of the presiding judge of said court, designate any qualified United States circuit or district judge or judges to act in his or their place, and such United States judge or judges shall be duly qualified to so act.

"Said Court of Customs Appeals shall have power to review any decision or matter within its jurisdiction and may affirm, modify, or reverse the same and remand the case with such orders as may seem to it proper in the premises, which shall be executed accordingly.

"Immediately upon receipt of any record transmitted to said court for determination the clerk thereof shall place the same upon the calendar for hearing and submission; and such calendar shall be called and all cases thereupon submitted, except for good cause shown, at least once every sixty days.

"In addition to the clerk of said court the court may appoint an assistant clerk at a salary of two thousand five hundred dollars per annum, five stenographic clerks at a salary of two thousand four hundred dollars per annum each, and one stenographic reporter at a salary of two thousand five hundred dollars per annum, and a messenger at a salary of nine hundred dollars per annum, all payable in equal monthly installments, and all of whom, including the clerk, shall hold office during the pleasure of and perform such duties as are assigned them by the court. Said reporter shall prepare and transmit to the Secretary of the Treasury once a week in time for publication in the Treasury Decisions copies of all decisions rendered to that date by said court, and prepare and transmit, under the direction of said court, at least once a year, reports of said decisions rendered to that date, constituting a volume, which shall be printed by the Treasury Department in such numbers and distributed or sold in such manner as the Secretary of the Treasury shall direct. The marshal of said court for the District of Columbia is hereby authorized to purchase, under the direction of the presiding judge, such books, periodicals, and stationery as may be necessary for the use of said court, and such expenditures shall be allowed and paid by the Secretary of the Treasury upon claim duly made and approved by said presiding judge.

"SEC. 30. That there shall be appointed by the President, by and with the advice and consent of the Senate, an Assistant Attorney-General, who shall exercise the functions of his office under the supervision and control of the Attorney-General of the United States, and who shall be paid a salary of ten thousand dollars per annum; and there shall also be appointed by the Attorney-General of the United States a Deputy Assistant Attorney-General, who shall be paid a salary of seven thousand five hundred dollars per annum, and four attorneys, who shall be paid salaries of five thousand dollars per annum each. Said attorneys shall act under the immediate direction of said Assistant Attorney-General, or, in case of his absence or a vacancy in his office, under the direction of said Deputy Assistant Attorney-General, and said Assistant Attorney-General, Deputy Assistant Attorney-General, and attorneys shall have charge of the interests of the Government in all matters of reappraisement and classification of imported goods and of all litigation incident thereto, and shall represent the Government in all the courts and before all tribunals wherein the interests of the Government require such representation.

"But the Attorney-General may, whenever in his opinion the public interest requires it, employ and retain, in the name of the United States, such special attorneys and counselors at law in the conduct of customs cases as he may think necessary to assist said Assistant Attorney-General in the discharge of any of the duties incumbent upon him and his said subordinates, and shall stipulate with such attorneys and counsel the amount of compensation and shall have supervision of their conduct and proceedings."

SEC. 29. That on and after the day when this Act shall go into effect all goods, wares, and merchandise previously imported, for which no entry has

been made, and all goods, wares, and merchandise previously entered without payment of duty and under bond for warehousing, transportation, or any other purpose, for which no permit of delivery to the importer or his agent has been issued, shall be subjected to the duties imposed by this Act and to no other duty, upon the entry or the withdrawal thereof: *Provided*, That when duties are based upon the weight of merchandise deposited in any public or private bonded warehouse, said duties shall be levied and collected upon the weight of such merchandise at the time of its entry.

SEC. 30. That section thirty-three hundred and sixty-two of the Revised Statutes of the United States, as amended, be, and the same is hereby amended so as to read as follows:

"SEC. 3362. All manufactured tobacco shall be put up and prepared by the manufacturer for sale, removal for sale or consumption, in packages of the following description and in no other manner:

"All smoking tobacco, snuff, fine-cut chewing tobacco, all cut and granulated tobacco, all shorts, the refuse of fine-cut chewing, which has passed through a riddle of thirty-six meshes to the square inch, and all refuse scraps, clippings, cuttings, and sweepings of tobacco, and all other kinds of tobacco not otherwise provided for, in packages containing one-half ounce, three-fourths of an ounce, and further packages with a difference between each package and the one next smaller of one-fourth of an ounce up to and including four ounces, and packages of six ounces, seven ounces, eight ounces, ten ounces, twelve ounces, fourteen ounces, and sixteen ounces: *Provided*, That snuff may, at the option of the manufacturer, be put up in bladders and in jars containing not exceeding twenty pounds.

"All cavendish, plug, and twist tobacco, in wooden packages not exceeding two hundred pounds net weight.

"And every such wooden package shall have printed or marked thereon the manufacturer's name and place of manufacture, the registered number of the manufactory, and the gross weight, the tare, and the net weight of the tobacco in each package: *Provided*, That these limitations and descriptions of packages shall not apply to tobacco and snuff transported in bond for exportation and actually exported: *And provided further*, That perique tobacco, snuff flour, fine-cut shorts, the refuse of fine-cut chewing tobacco, refuse scraps, clippings, cuttings, and sweepings of tobacco, may be sold in bulk as material, and without the payment of tax, by one manufacturer directly to another manufacturer, or for export, under such restrictions, rules, and regulations as the Commissioner of Internal Revenue may prescribe: *And provided further*, That wood, metal, paper, or other materials may be used separately or in combination for packing tobacco, snuff, and cigars, under such regulations as the Commissioner of Internal Revenue may establish."

SEC. 31. That section thirty-three hundred and sixty-eight of the Revised Statutes of the United States, as amended, be, and the same is hereby amended so as to read as follows:

"SEC. 3368. Upon tobacco and snuff manufactured and sold, or removed for consumption or use, there shall be levied and collected the following taxes:

"On snuff, manufactured of tobacco or any substitute for tobacco, ground, dry, damp, pickled, scented, or otherwise, of all descriptions, when prepared for use, a tax of eight cents per pound. And snuff flour, when sold, or removed for use or consumption, shall be taxed as snuff, and shall be put up in packages and stamped in the same manner as snuff.

"On all chewing and smoking tobacco, fine-cut, cavendish, plug, or twist, cut or granulated, of every description; on tobacco twisted by hand or reduced into a condition to be consumed, or in any manner other than the ordinary mode of drying and curing, prepared for sale or consumption, even if prepared without the use of any machine or instrument, and without being pressed or sweetened; and on all fine-cut shorts and refuse scraps, clippings, cuttings, and sweepings of tobacco, a tax of eight cents per pound."

SEC. 32. That section thirty-three hundred and ninety-two of the Revised Statutes of the United States, as amended by section thirty-two of the Act of October first, eighteen hundred and ninety, be amended to read as follows:

"SEC. 3392. All cigars weighing more than three pounds per thousand shall be packed in boxes not before used for that purpose containing, respectively, five, ten, twelve, thirteen, twenty-five, fifty, one hundred, two hundred, two hundred and fifty, or five hundred cigars each; and every person who sells, or offers for sale, or delivers, or offers to deliver, any cigars in any other form than in new boxes as above described, or who packs in any box any cigars in excess of or less than the number provided by law to be put in each box, respectively, or who falsely brands any box, or affixes a stamp on any box denoting a less amount of tax than that required by law, shall be fined for each offense not more than one thousand dollars, and be imprisoned not more than two years: *Provided*, That nothing in this section shall be construed as preventing the sale of cigars at retail by retail dealers from boxes packed, stamped, and branded in the manner prescribed by law: *And provided further*, That every manufacturer of cigarettes shall put up all the cigarettes that he manufactures or has manufactured for him and sells or removes for consumption or use, in packages or parcels containing five, eight, ten, fifteen, twenty, fifty, or one hundred cigarettes each, and shall securely affix to each of said packages or parcels a suitable stamp denoting the tax thereon, and shall properly cancel the same prior to such sale or removal for consumption or use, under such regulations as the Commissioner of Internal Revenue shall prescribe; and all cigarettes imported from a foreign country shall be packed, stamped, and the stamps canceled in like manner, in addition to the import stamp indicating inspection of the custom-house before they are withdrawn therefrom."

SEC. 33. That section thirty-three hundred and ninety-four of the Revised Statutes of the United States, as amended, be, and the same is hereby amended so as to read as follows:

"SEC. 3394. Upon cigars and cigarettes which shall be manufactured and sold, or removed for consumption or sale, there shall be assessed and collected the following taxes, to be paid by the manufacturer thereof: On cigars of all descriptions made of tobacco or any substitute therefor and weighing more than three pounds per thousand, three dollars per thousand; on cigars, made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, seventy-five cents per thousand; on cigarettes, made of tobacco, or any substitute therefor, and weighing more than three pounds per thousand, three dollars and sixty cents per thousand; on cigarettes, made of tobacco, or any substitute therefor, and weighing not more than three pounds per thousand, one dollar and twenty-five cents per thousand: *Provided*, That all rolls of tobacco, or any substitute therefor, wrapped with tobacco, shall be classed as cigars; and all rolls of tobacco, or any substitute therefor, wrapped in paper or any substance other than tobacco, shall be classed as cigarettes.

"And the Commissioner of Internal Revenue, with the approval of the

Secretary of the Treasury, shall provide dies and stamps for cigars weighing not more than three pounds per thousand; and for cigarettes at the rates of tax imposed by this section: *Provided*, That such stamps shall be in denominations of five, eight, ten, fifteen, twenty, fifty, and one hundred; and the laws and regulations governing the packing and removal for sale of cigarettes, and the affixing and canceling of the stamps on the packages thereof, shall apply to cigars weighing not more than three pounds per thousand.

"No packages of manufactured tobacco, snuff, cigars, or cigarettes, prescribed by law, shall be permitted to have packed in, or attached to, or connected with, them, nor affixed to, branded, stamped, marked, written, or printed upon them, any paper, certificate, or instrument purporting to be or represent a ticket, chance, share or interest in, or dependent upon, the event of a lottery, nor any indecent or immoral picture, representation, print, or words; and any violation of the provisions of this paragraph shall subject the offender to the penalties and punishments provided by section thirty-four hundred and fifty-six of the Revised Statutes."

SEC. 34. That the provisions of sections thirty, thirty-one, thirty-two, and thirty-three of this Act shall not take effect until July first, nineteen hundred and ten.

SEC. 35. That unstemmed leaf tobacco in the natural leaf, in the hand, and not manufactured or altered in any manner, raised and grown in the United States, shall not be subject to any internal-revenue tax or charge of any kind whatsoever, and it shall be lawful for any person to buy and sell such unstemmed tobacco in the leaf, in the hand, without payment of tax of any kind: *Provided*, That any person, other than the farmer or producer of leaf tobacco, who sells leaf tobacco to manufacturers of tobacco, snuff or cigars shall be deemed and considered a dealer in leaf tobacco, and become subject to all the provisions of section thirty-two hundred and forty-four, as amended by section fourteen, Act of March first, eighteen hundred and seventy-nine, and also as amended by the Act of March third, eighteen hundred and eighty-three, and, further, shall be subject to all the provisions of section thirty-three hundred and sixty, as amended by section fourteen, Act of March first, eighteen hundred and seventy-nine, and of sections thirty-three hundred and fifty-nine and thirty-three hundred and ninety-one, United States Revised Statutes.

Every person shall be regarded as a retail dealer in leaf tobacco whose business it is to sell leaf tobacco in quantities of less than an original hogshead, case or bale; or who shall sell directly to consumers or to persons other than dealers in leaf tobacco or to manufacturers of tobacco, snuff or cigars, or to persons who purchase in original packages for export.

Every such retail dealer in leaf tobacco shall register with the collector of the district his name or style, place of residence, trade or business, and the place where such trade or business is to be carried on; and a failure to register as herein required shall subject such person to a penalty of fifty dollars; and every retail dealer in leaf tobacco shall also keep a book and enter therein daily his purchases of leaf tobacco and his sales, where such sales amount to two pounds or more to one person in one day. Such record shall be kept written up to date and shall be in such form and contain such entries as shall be prescribed by the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, and such books shall be open at all times for the inspection of any internal-revenue officer or agent.

Any person who has duly qualified as a retail dealer in leaf tobacco may sell

natural leaf tobacco grown or raised in the United States in its condition as cured on the farm, in the hand, and not manufactured in any way, except to manufacturers of tobacco, snuff or cigars, without the payment of any tax on such leaf tobacco whatsoever, and so much of section sixty-nine, tariff Act of August twenty-seventh, eighteen hundred and ninety-four, which took effect the following day, and section thirty-two hundred and forty-four, United States Revised Statutes, or any other existing law, as is inconsistent with the provisions of this Act, is hereby repealed.

And it shall be the duty of every retail dealer in leaf tobacco, as herein described, under regulations to be prescribed by the Commissioner of Internal Revenue with the approval of the Secretary of the Treasury, to furnish on demand to any internal-revenue officer or other authorized agent of the Treasury Department a true and correct statement, verified by his oath or affirmation, of all his sales of leaf tobacco in quantities of ten pounds or more to any one person in any one day, with the name and residence in each instance of the person to whom sold, and any such retail dealer in leaf tobacco who shall willfully refuse to furnish such information or keep the book as required herein, or who shall knowingly make any false statements or false entries in such book as to any of the facts aforesaid, shall be guilty of a misdemeanor, and on conviction shall be liable to a fine of fifty dollars for each offense: *And provided further*, That nothing in this Act shall be construed as imposing any restrictions whatsoever upon the farmers or growers of leaf tobacco in regard to the sales of their leaf tobacco.

SEC. 36. That a tonnage duty of two cents per ton, not to exceed in the aggregate ten cents per ton in any one year, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any foreign port or place in North America, Central America, the West India Islands, the Bahama Islands, the Bermuda Islands, or the coast of South America bordering on the Caribbean Sea, or Newfoundland, and a duty of six cents per ton, not to exceed thirty cents per ton per annum, is hereby imposed at each entry on all vessels which shall be entered in any port of the United States from any other foreign port, not, however, to include vessels in distress or not engaged in trade.

This section shall not be construed to amend or repeal section twenty-seven hundred and ninety-two of the Revised Statutes as amended by section one of chapter two hundred and twelve of the laws of nineteen hundred and eight, approved May twenty-eighth, nineteen hundred and eight, or section five of the said chapter two hundred and twelve of the laws of nineteen hundred and eight, or section twenty-seven hundred and ninety-three of the Revised Statutes.

Section forty-two hundred and thirty-two of the Revised Statutes, and sections eleven and twelve of chapter four hundred and twenty-one of the laws of eighteen hundred and eighty-six, approved June nineteenth, eighteen hundred and eighty-six, and so much of section forty-two hundred and nineteen of the Revised Statutes as conflicts with this section, are hereby repealed.

This section shall take effect sixty days after the approval of this Act.

SEC. 37. There shall be levied and collected annually on the first day of September by the collector of customs of the district nearest the residence of the managing owner, upon the use of every foreign-built yacht, pleasure-boat or vessel, not used or intended to be used for trade, now or hereafter owned or chartered for more than six months by any citizen or citizens of the United States, a sum equivalent to a tonnage tax of seven dollars per gross ton.

In lieu of the annual tax above prescribed the owner of any foreign-built yacht, pleasure-boat or vessel above described may pay a duty of thirty-five per centum ad valorem thereon, and such yacht, pleasure-boat or vessel shall thereupon be entitled to all the privileges and shall be subject to all the requirements prescribed by sections forty-two hundred and fourteen, forty-two hundred and fifteen, forty-two hundred and seventeen, and forty-two hundred and eighteen of the Revised Statutes and Acts amendatory thereto in the same manner as if said yacht had been built in the United States, and shall be subject to tonnage duty and light money only in the same manner as if said yacht had been built in the United States.

So much of section five of chapter two hundred and twelve of the laws of nineteen hundred and eight, approved May twenty-eighth, nineteen hundred and eight, as relates to yachts built outside the United States and owned by citizens of the United States is hereby repealed.

This section shall not apply to a foreign-built vessel admitted to American registry.

Sec. 38. That every corporation, joint stock company or association, organized for profit and having a capital stock represented by shares, and every insurance company, now or hereafter organized under the laws of the United States or of any State or Territory of the United States or under the Acts of Congress applicable to Alaska or the District of Columbia, or now or hereafter organized under the laws of any foreign country and engaged in business in any State or Territory of the United States or in Alaska or in the District of Columbia, shall be subject to pay annually a special excise tax with respect to the carrying on or doing business by such corporation, joint stock company or association, or insurance company, equivalent to one per centum upon the entire net income over and above five thousand dollars received by it from all sources during such year, exclusive of amounts received by it as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed; or if organized under the laws of any foreign country, upon the amount of net income over and above five thousand dollars received by it from business transacted and capital invested within the United States and its Territories, Alaska, and the District of Columbia during such year, exclusive of amounts so received by it as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed: *Provided, however,* That nothing in this section contained shall apply to labor, agricultural or horticultural organizations, or to fraternal beneficiary societies, orders, or associations operating under the lodge system, and providing for the payment of life, sick, accident, and other benefits to the members of such societies, orders, or associations, and dependents of such members, nor to domestic building and loan associations, organized and operated exclusively for the mutual benefit of their members, nor to any corporation or association organized and operated exclusively for religious, charitable, or educational purposes, no part of the net income of which inures to the benefit of any private stockholder or individual.

Second. Such net income shall be ascertained by deducting from the gross amount of the income of such corporation, joint stock company, or association, or insurance company, received within the year from all sources, (first) all the ordinary and necessary expenses actually paid within the year out of income in the maintenance and operation of its business and properties, including all charges such as rentals or franchise payments, required to be made as a condition to the continued use or possession of property; (second) all losses actually

sustained within the year and not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, all interest actually paid by it within the year on deposits; (fourth) all sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof, or imposed by the government of any foreign country as a condition to carrying on business therein; (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax hereby imposed: *Provided*, That in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, such net income shall be ascertained by deducting from the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, (first) all the ordinary and necessary expenses actually paid within the year out of earnings in the maintenance and operation of its business and property within the United States and its Territories, Alaska, and the District of Columbia, including all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property; (second) all losses actually sustained within the year in business conducted by it within the United States or its Territories, Alaska, or the District of Columbia not compensated by insurance or otherwise, including a reasonable allowance for depreciation of property, if any, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; (third) interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness, not exceeding the proportion of its paid-up capital stock outstanding at the close of the year which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia bears to the gross amount of its income derived from all sources within and without the United States; (fourth) the sums paid by it within the year for taxes imposed under the authority of the United States or of any State or Territory thereof; (fifth) all amounts received by it within the year as dividends upon stock of other corporations, joint stock companies or associations, and insurance companies, subject to the tax hereby imposed. In the case of assessment insurance companies the actual deposit of sums with State or Territorial officers, pursuant to law, as additions to guaranty or reserve funds shall be treated as being payments required by law to reserve funds.

Third. There shall be deducted from the amount of the net income of each of such corporations, joint stock companies or associations, or insurance companies, ascertained as provided in the foregoing paragraphs of this section, the sum of five thousand dollars, and said tax shall be computed upon the remainder of said net income of such corporation, joint stock company or association, or insurance company, for the year ending December thirty-first, nine-

teen hundred and nine, and for each calendar year thereafter; and on or before the first day of March, nineteen hundred and ten, and the first day of March in each year thereafter, a true and accurate return under oath or affirmation of its president, vice-president, or other principal officer; and its treasurer or assistant treasurer, shall be made by each of the corporations, joint stock companies or associations, and insurance companies, subject to the tax imposed by this section, to the collector of internal revenue for the district in which such corporation, joint stock company or association, or insurance company, has its principal place of business, or, in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, in the place where its principal business is carried on within the United States, in such form as the Commissioner of Internal Revenue, with the approval of the Secretary of the Treasury, shall prescribe, setting forth, (first) the total amount of the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year; (second) the total amount of the bonded and other indebtedness of such corporation, joint stock company or association, or insurance company at the close of the year; (third) the gross amount of the income of such corporation, joint stock company or association, or insurance company, received during such year from all sources, and if organized under the laws of a foreign country the gross amount of its income received within the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia; also the amount received by such corporation, joint stock company or association, or insurance company, within the year by way of dividends upon stock of other corporations, joint stock companies or associations, or insurance companies, subject to the tax imposed by this section; (fourth) the total amount of all the ordinary and necessary expenses actually paid out of earnings in the maintenance and operation of the business and properties of such corporation, joint stock company or association, or insurance company, within the year, stating separately all charges such as rentals or franchise payments required to be made as a condition to the continued use or possession of property, and if organized under the laws of a foreign country the amount so paid in the maintenance and operation of its business within the United States and its Territories, Alaska, and the District of Columbia; (fifth) the total amount of all losses actually sustained during the year and not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve funds; and in the case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, all losses actually sustained by it during the year in business conducted by it within the United States or its Territories, Alaska, and the District of Columbia, not compensated by insurance or otherwise, stating separately any amounts allowed for depreciation of property, and in the case of insurance companies the sums other than dividends, paid within the year on policy and annuity contracts and the net addition, if any, required by law to be made within the year to reserve fund; (sixth) the amount of interest actually paid within the year on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the paid-up capital stock of such corporation, joint stock company or association, or insurance company, outstanding at the close of the year, and in the case of a bank, banking association or trust company, stating separately all interest paid by it within the year

on deposits; or in case of a corporation, joint stock company or association, or insurance company, organized under the laws of a foreign country, interest so paid on its bonded or other indebtedness to an amount of such bonded and other indebtedness not exceeding the proportion of its paid-up capital stock outstanding at the close of the year, which the gross amount of its income for the year from business transacted and capital invested within the United States and any of its Territories, Alaska, and the District of Columbia, bears to the gross amount of its income derived from all sources within and without the United States; (seventh) the amount paid by it within the year for taxes imposed under the authority of the United States or any State or Territory thereof, and separately the amount so paid by it for taxes imposed by the government of any foreign country as a condition to carrying on business therein; (eighth) the net income of such corporation, joint stock company or association, or insurance company, after making the deductions in this section authorized. All such returns shall as received be transmitted forthwith by the collector to the Commissioner of Internal Revenue.

Fourth. Whenever evidence shall be produced before the Commissioner of Internal Revenue which in the opinion of the commissioner justifies the belief that the return made by any corporation, joint stock company or association, or insurance company, is incorrect, or whenever any collector shall report to the Commissioner of Internal Revenue that any corporation, joint stock company or association, or insurance company, has failed to make a return as required by law, the Commissioner of Internal Revenue may require from the corporation, joint stock company or association, or insurance company making such return, such further information with reference to its capital, income, losses, and expenditures as he may deem expedient; and the Commissioner of Internal Revenue, for the purpose of ascertaining the correctness of such return or for the purpose of making a return where none has been made, is hereby authorized, by any regularly appointed revenue agent specially designated by him for that purpose, to examine any books and papers bearing upon the matters required to be included in the return of such corporation, joint stock company or association, or insurance company, and to require the attendance of any officer or employee of such corporation, joint stock company or association, or insurance company, and to take his testimony with reference to the matter required by law to be included in such return, with power to administer oaths to such person or persons; and the Commissioner of Internal Revenue may also invoke the aid of any court of the United States having jurisdiction to require the attendance of such officers or employees and the production of such books and papers. Upon the information so acquired the Commissioner of Internal Revenue may amend any return or make a return where none has been made. All proceedings taken by the Commissioner of Internal Revenue under the provisions of this section shall be subject to the approval of the Secretary of the Treasury.

Fifth. All returns shall be retained by the Commissioner of Internal Revenue, who shall make assessments thereon; and in case of any return made with false or fraudulent intent, he shall add one hundred per centum of such tax, and in case of a refusal or neglect to make a return or to verify the same as aforesaid he shall add fifty per centum of such tax. In case of neglect occasioned by the sickness or absence of an officer of such corporation, joint stock company or association, or insurance company, required to make said return, or for other sufficient reason, the collector may allow such further time for making and delivering such return as he may deem necessary, not exceeding thirty days. The amount so added to the tax shall be collected at the same

time and in the same manner as the tax originally assessed unless the refusal, neglect, or falsity is discovered after the date for payment of said taxes, in which case the amount so added shall be paid by the delinquent corporation, joint stock company or association, or insurance company, immediately upon notice given by the collector. All assessments shall be made and the several corporations, joint stock companies or associations, or insurance companies, shall be notified of the amount for which they are respectively liable on or before the first day of June of each successive year, and said assessments shall be paid on or before the thirtieth day of June, except in cases of refusal or neglect to make such return, and in cases of false or fraudulent returns, in which cases the Commissioner of Internal Revenue shall, upon the discovery thereof, at any time within three years after said return is due, make a return upon information obtained as above provided for, and the assessment made by the Commissioner of Internal Revenue thereon shall be paid by such corporation, joint stock company or association, or insurance company immediately upon notification of the amount of such assessment; and to any sum or sums due and unpaid after the thirtieth day of June in any year, and for ten days after notice and demand thereof by the collector, there shall be added the sum of five per centum on the amount of tax unpaid and interest at the rate of one per centum per month upon said tax from the time the same becomes due.

Sixth. When the assessment shall be made, as provided in this section, the returns, together with any corrections thereof which may have been made by the commissioner, shall be filed in the office of the Commissioner of Internal Revenue and shall constitute public records and be open to inspection as such.

Seventh. It shall be unlawful for any collector, deputy collector, agent, clerk, or other officer or employee of the United States to divulge or make known in any manner whatever not provided by law to any person any information obtained by him in the discharge of his official duty, or to divulge or make known in any manner not provided by law any document received, evidence taken, or report made under this section except upon the special direction of the President; and any offense against the foregoing provision shall be a misdemeanor and be punished by a fine not exceeding one thousand dollars, or by imprisonment not exceeding one year, or both, at the discretion of the court.

Eighth. If any of the corporations, joint stock companies or associations, or insurance companies, aforesaid, shall refuse or neglect to make a return at the time or times hereinbefore specified in each year, or shall render a false or fraudulent return, such corporation, joint stock company or association, or insurance company, shall be liable to a penalty of not less than one thousand dollars and not exceeding ten thousand dollars.

Any person authorized by law to make, render, sign, or verify any return who makes any false or fraudulent return, or statement, with intent to defeat or evade the assessment required by this section to be made, shall be guilty of a misdemeanor, and shall be fined not exceeding one thousand dollars or be imprisoned not exceeding one year, or both, at the discretion of the court, with the costs of prosecution.

All laws relating to the collection, remission, and refund of internal-revenue taxes, so far as applicable to and not inconsistent with the provisions of this section, are hereby extended and made applicable to the tax imposed by this section.

Jurisdiction is hereby conferred upon the circuit and district courts of the United States for the district within which any person summoned under this section to appear to testify or to produce books, as aforesaid, shall reside, to compel such attendance, production of books, and testimony by appropriate process.

SEC. 39. That the Secretary of the Treasury is hereby authorized to borrow on the credit of the United States from time to time, as the proceeds may be required to defray expenditures on account of the Panama Canal and to reimburse the Treasury for such expenditures already made and not covered by previous issues of bonds, the sum of two hundred and ninety million five hundred and sixty-nine thousand dollars (which sum together with the eighty-four million six hundred and thirty-one thousand nine hundred dollars already borrowed upon issues of two per cent bonds under section eight of the Act of June twenty-eighth, nineteen hundred and two, equals the estimate of the Isthmian Canal Commission to cover the entire cost of the Canal from its inception to its completion), and to prepare and issue therefor coupon or registered bonds of the United States in such form as he may prescribe, and in denominations of one hundred dollars, five hundred dollars, and one thousand dollars, payable fifty years from the date of issue, and bearing interest payable quarterly in gold coin at a rate not exceeding three per centum per annum; and the bonds herein authorized shall be exempt from all taxes or duties of the United States, as well as from taxation in any form by or under State, municipal, or local authority: *Provided*, That said bonds may be disposed of by the Secretary of the Treasury at not less than par, under such regulations as he may prescribe, giving to all citizens of the United States an equal opportunity to subscribe therefor, but no commissions shall be allowed or paid thereon; and a sum not exceeding one-tenth of one per centum of the amount of the bonds herein authorized is hereby appropriated, out of any money in the Treasury not otherwise appropriated, to pay the expenses of preparing, advertising, and issuing the same; and the authority contained in section eight of the Act of June twenty-eighth, nineteen hundred and two, for the issue of bonds bearing interest at two per centum per annum, is hereby repealed.

SEC. 40. That section thirty-two of an Act, entitled, "An Act providing ways and means to meet war expenditures, and for other purposes," approved June thirteenth, eighteen hundred and ninety-eight, be, and the same is hereby, amended to read as follows:

"That the Secretary of the Treasury is authorized to borrow from time to time, at a rate of interest not exceeding three per centum per annum, such sum or sums as, in his judgment, may be necessary to meet public expenditures, and to issue therefor certificates of indebtedness in such form as he may prescribe and in denominations of fifty dollars or some multiple of that sum; and each certificate so issued shall be payable, with the interest accrued thereon, at such time, not exceeding one year from the date of its issue, as the Secretary of the Treasury may prescribe: *Provided*, That the sum of such certificates outstanding shall at no time exceed two hundred millions of dollars; and the provisions of existing law respecting counterfeiting and other fraudulent practices are hereby extended to the bonds and certificates of indebtedness authorized by this Act."

SEC. 41. That sections one to four, inclusive, of an Act entitled: "An Act to provide revenue for the Government and to encourage the industries of the United States," approved July twenty-fourth, eighteen hundred and ninety-seven, and all Acts and parts of Acts inconsistent with the provisions of this Act, are hereby repealed, but the repeal of existing laws or modifications thereof embraced in this Act shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil case before the said repeal or modification; but all rights and liabilities under said laws shall continue and may be enforced in the same manner, except as otherwise

provided in section twenty-eight of this Act, as if said repeal or modifications had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the passage of this Act under any statute embraced in or changed, modified, or repealed by this Act may be prosecuted or punished in the same manner and with the same effect as if this Act had not been passed. All acts of limitation, whether applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in or modified, changed, or repealed by this Act shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the passage of this Act, may be commenced and prosecuted within the same time and with the same effect, except as otherwise provided in section twenty-eight of this Act, as if this Act had not been passed. That an Act entitled: "An Act to simplify the laws in relation to the collection of the revenues," approved June tenth, eighteen hundred and ninety, as amended by the Act of July twenty-fourth, eighteen hundred and ninety-seven, and as further amended by the Act of May twenty-seventh, nineteen hundred and eight, is not hereby repealed but amended so as to read as in this Act provided. So much of section four of an Act entitled: "An Act making appropriations for sundry civil expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and seven, and for other purposes," approved June thirtieth, nineteen hundred and six, as relates to the appointment of a solicitor of customs and assistants, is hereby repealed.

SEC. 42. That unless otherwise herein specially provided, this Act shall take effect on the day following its passage.

Approved, Signed Five minutes after Five o'clock P. M.

August 5th, 1909.

COMPENSATION OF OFFICERS AND EMPLOYEES OF NATIONAL WATERWAYS COMMISSION.

Act of Aug. 5, 1909.

AN ACT MAKING APPROPRIATIONS TO SUPPLY URGENT DEFICIENCIES IN APPROPRIATIONS FOR THE FISCAL YEAR NINETEEN HUNDRED AND NINE, AND FOR OTHER PURPOSES.

* * * * *

NATIONAL WATERWAYS COMMISSION: Any officer or employee of the Government heretofore or hereafter employed by the National Waterways Commission not to exceed three persons at any one time may receive compensation for such employment from the money appropriated for said commission, notwithstanding the provisions of Revised Statutes, sections seventeen hundred and sixty-three, seventeen hundred and sixty-four, and seventeen hundred and sixty-five, and the Act approved July thirty-first, eighteen hundred and ninety-four, entitled "An Act making appropriations for the legislative, executive, and judicial expenses of the Government for the fiscal year ending June thirtieth, nineteen hundred and five, and for other purposes," and any other law whatsoever relating to such employment and compensation; and, in addition to the traveling and other expenses of members of the commission and their employees, the actual necessary expenses of persons detailed by any department or bureau of the Government while accompanying said commission on any inspection trip in the United States or elsewhere may be paid from the money appropriated for said commission.

Approved, August 5, 1909.

This is the last paragraph of An Urgent Deficiencies Appropriation Act. The other parts of the act are special and temporary.

REVENUE FOR THE PHILIPPINE ISLANDS.

Act of Aug. 5, 1909.

AN ACT TO RAISE REVENUE FOR THE PHILIPPINE ISLANDS, AND FOR OTHER PURPOSES.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That on and after sixty days following the passage of this Act, except as otherwise specifically provided in this Act, there shall be levied, collected, and paid, upon all articles, goods, wares, or merchandise of every kind and class entering the jurisdiction of the Philippine Islands, from any place or places, including the United States and its possessions, and in any manner whatsoever, either with intent to unlade therein, or which, after such entering, are consumed therein, or become incorporated into the general mass of property within said islands, the rates of import duty which are by this Act specifically provided.

SEC. 2. That the following rules shall be observed in the construction and enforcement of the various provisions of this Act:

GENERAL RULES.

TREATMENT OF TEXTILES.

RULE 1. NUMBER OF THREADS AND ASCERTAINMENT THEREOF. — By the number of threads in a textile shall, unless otherwise stipulated, be meant the total number of all threads contained in the warp and weft thereof in a square of six millimeters. Warp is the total number of threads which lie longitudinally in a textile, whether they form the foundation thereof or have been added thereto. Weft shall be considered the total number of threads which cross the warp, whether from selvage to selvage or not. To determine the number of threads in a textile, and the proportion thereof subject to the highest rate of duty, a "thread counter" shall be used.

Should a textile be more closely woven in some parts than in others, the number of threads in the most closely woven part and in the most loosely woven part of the body of the textile shall be ascertained, and the average number of threads resulting shall serve as the basis for levying duty.

Threads shall be counted on the finished side of the textile, if the nature thereof permits; otherwise, on the reverse side. If necessary, to ascertain the number of threads, the nap shall be removed or a sufficient part of the textile unraveled.

Should this be impossible without damaging a made-up article, the textile shall be subject to the highest rate of duty applicable, in the group to which it belongs, and if the textile be mixed, it shall be dutiable at the rate applicable to the most highly taxed component material in the exterior of the article.

RULE 2. SURTAXES: (a) HOW COMPUTED. — The surtaxes applicable on account of broché, metal threads, embroidery, trimming, or making-up shall be computed on the primary duties leviable on the textile, including therewith the increase of such duties in case, and on account, of admixture.

(b) ON GOODS DUTIABLE AD VALOREM. — Articles of any character, dutiable at an ad valorem rate, shall not be subject to any of the surtaxes provided

herein, unless the application of such surtaxes to said ad valorem rate is specifically provided for in this Act.

RULE 3. ADMIXTURES OF TWO MATERIALS. — Textiles composed of two materials shall be dutiable as follows:

(a) Cotton textiles containing threads of other vegetable fibers, and in which the total number of such threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class V, with a surtax of fifteen per centum.

When the number of threads of other vegetable fibers exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VI.

Cotton textiles containing threads of wool, hair, or wastes of these materials, and in which the total number of such threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class V, with a surtax of thirty-five per centum.

When the number of threads of wool, hair, or their wastes exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VII.

Cotton textiles containing threads of silk, and in which the total number of such threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class V, with a surtax of seventy per centum.

When the number of threads of silk exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VIII.

The provisions of this rule shall not apply to pile fabrics, knitted or netted stuffs, tulles, laces, or blondes (Rule Six), or to ribbons, galloons, braids, tape, or trimmings (Rule Seven).

(b) Textiles of vegetable fibers (except cotton), containing threads of wool, hair, or their wastes, and in which the number of such threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class VI, with a surtax of forty per centum.

When the number of threads of wool, hair, or their wastes, exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VII.

Textiles of vegetable fibers (except cotton), containing threads of silk, and in which the number of such threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class VI, with a surtax of sixty per centum.

When the number of silk threads exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraphs of Class VIII.

The provisions of this rule shall not apply to pile fabrics, knitted or netted stuffs, tulles, laces, or blondes (Rule Six), or to ribbons, galloons, braids, tape, or trimmings (Rule Seven).

(c) Textiles of wool, or hair, containing threads of silk, and in which the number of such threads exceeds one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class VIII.

RULE 4. ADMIXTURES OF MORE THAN TWO MATERIALS. — Textiles composed of more than two materials shall be dutiable as follows:

(a) Textiles of an admixture of wool and cotton, or of wool and other vegetable fibers, containing threads of silk, but in which the number of silk threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class VII.

When the number of silk threads exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VIII.

(b) Textiles of an admixture of cotton and other vegetable fibers, together with threads of silk, but in which the number of silk threads, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class VI, and in addition, shall be liable to a surtax of seventy per centum for the threads of silk.

When the number of silk threads exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VIII.

(c) Textiles of an admixture of wool, cotton, and other vegetable fibers, containing no silk threads, and in which the number of threads of wool, counted in the warp and weft, does not exceed one-fifth of the total number of threads composing the textile, shall be dutiable under the corresponding paragraphs of Class VI, and in addition, shall be liable to a surtax of forty per centum for the threads of wool.

When the number of threads of wool exceeds one-fifth of the total, the textile shall be dutiable under the corresponding paragraph of Class VII.

RULE 5. SILK TEXTILES. — All textiles containing silk threads, the number of which, counted in the warp and weft, exceeds one-fifth of the total number of threads composing the textile, shall be deemed textiles of silk.

EXCEPTIONS.

RULE 6. PILE FABRICS, AND KNITTED AND NETTED STUFFS. — Plushes, velvets, velveteens, all pile fabrics, all kinds of knitted or netted stuffs, tulles, laces and blondes, containing an admixture of textile materials, shall be dutiable at the rate applicable to the most highly taxed component material, whatever be the proportion of such material in the article.

RULE 7. RIBBONS, GALLOONS, BRAIDS, TAPE, AND TRIMMINGS. — Ribbons, galloons, braids, tape, and trimmings, containing an admixture of textile materials, shall be dutiable at the rate applicable to the most highly taxed component material, whatever be the proportion of such material in the article. When any of these articles contain metal threads in any proportion they shall be dutiable under the corresponding paragraphs of Class VIII.

RULE 8. BROCHÉS. — Brochés dutiable under Class V, with silk, shall be liable to the duties leviable thereon with a surtax of fifteen per centum.

Brochés, dutiable under Class VI, with silk, shall be liable to the duties leviable thereon with a surtax of thirty per centum.

Brochés are textiles with ornamental figures formed by means of a shuttle at time of weaving, and in such manner that the threads forming the figure occupy only the space thereof.

RULE 9. EMBROIDERY AND TRIMMINGS. — Textiles, embroidered by hand or machine after weaving, or with application of trimmings, shall be liable to the duties leviable thereon with a surtax of thirty per centum.

If the embroidery contains threads of pearl or common metals or of silver, or spangles of any material other than gold, the surtax shall be sixty per centum of the duties applicable to the textile.

When the threads, purl, or spangles are of gold, the surtax shall be one hundred per centum.

Embroidery is distinguished from patterns woven in the textile by the latter being destroyed by unraveling the weft of the textile, while embroidery is independent of the warp and weft and can not be so unraveled.

RULE 10. METALLIC THREADS. — Textiles composed exclusively of metallic threads shall be dutiable under Class VIII.

Textiles or articles (except those provided for in Rules Seven and Nine hereof), dutiable under Classes V and VI, containing threads or purl of common metals or of silver shall be liable to a surtax of fifty per centum of the duties leviable thereon.

If the threads or purl are of gold the surtax shall be one hundred per centum.

RULE 11. MADE-UP ARTICLES. — Textiles, dutiable under Classes V and VI, entirely or partially made-up into common sacks (except gunny sacks) or tarpaulins, shall be liable to the duties applicable thereto with a surtax of fifteen per centum.

Shawls, including those called "mantones" and "pañolones," traveling rugs, sarongs, patadeones, counterpanes, sheets, towels, table cloths and napkins, veils, fichus, and handkerchiefs, shall, for the making-up, be liable to a surtax of thirty per centum of the duties leviable thereon. Any of these articles, imported in the piece, uncut, shall not be considered as made-up, except in those cases where the line of separation between them is indicated by unwoven spaces.

Other articles, including wearing apparel, not otherwise provided for, cut, basted, partially finished, or finished, shall be treated in accordance with Rule one, and shall be dutiable at the rate applicable to the most highly taxed component material in the exterior thereof, with a surtax of fifty per centum: *Provided*, That made-up articles enumerated in this Act shall not be subject to any surtax for making-up unless such surtax is specially provided in connection with the corresponding paragraph or clause.

ARTICLES NOT ENUMERATED AND THOSE COMPOSED OF SEVERAL MATERIALS.

RULE 12. [(a)] On any article, not enumerated in this Act, manufactured of two or more materials, duty shall be assessed at the rate at which the same would be dutiable if composed wholly of the component material thereof of chief value; and the words "component material of chief value," wherever used in this Act, shall be held to mean that component material which shall exceed in value any other single component material of the article; and the value of each component material shall be determined by the ascertained value of such material in its condition as found in the article.

(b) If two or more rates of duty shall be applicable to any article, it shall pay duty at the highest of such rates.

(c) No customs officer shall give an advance opinion as to the classification for duty of any article intended to be imported: *Provided*, That when an article intended to be imported is not specifically mentioned in this Act, the interested party or the importer may deposit with the insular collector of customs a sample thereof and request him to indicate the paragraph under which the article is or shall be dutiable, and the insular collector of customs shall comply with such request. In such case classification of the article in question, upon the particular importation involved, shall be made according to the paragraph so indicated.

(d) Salvage from vessels built in foreign countries and wrecked or abandoned in Philippine waters or elsewhere, not otherwise provided for, shall be dutiable according to the corresponding paragraphs of this Act.

RECEPTACLES, PACKAGES, AND PACKING.

RULE 13. (a) Whenever imported merchandise is subject to an ad valorem rate of duty, the duty shall be assessed upon the actual market value or wholesale price of such merchandise, as bought and sold in usual wholesale quantities, at the time of exportation to the Philippine Islands, in the principal markets of the country from whence imported, and in the condition in which such merchandise is there bought and sold for exportation to the Philippine Islands, or consigned to the Philippine Islands for sale, including the value of all cartons, cases, crates, boxes, sacks, and coverings of any kind, and all other costs, charges, and expenses incident to placing the merchandise in condition, packed ready for shipment to the Philippine Islands.

(b) Whenever an article is subject to an alternative minimum ad valorem rate, the alternative ad valorem duty shall be ascertained by applying the corresponding ad valorem rate to such merchandise, inclusive of all costs and charges mentioned in clause (a) of this rule.

(c) The term "retail package" wherever used in this Act shall be held to mean any article, goods, wares, or merchandise, together with the holders, containers, packages, or packing, in which such article, goods, wares, or merchandise is usually held, contained, or packed at the time of its sale to the public in usual retail quantities.

(d) Wherever it is provided in this Act that articles, goods, wares, or merchandise shall be dutiable "including weight of immediate containers," the dutiable weight thereof shall be held to be the weight of same, together with the weight of the immediate container, holder, or packing only: *Provided*, That wherever in this Act the term "including weight of immediate containers" and the term "retail package" are both used in the same paragraph or clause, the dutiable weight shall be the weight of the retail package.

(e) Wherever it is provided in this Act that articles, goods, wares, or merchandise shall be dutiable by "gross weight," the dutiable weight thereof shall be held to be the weight of same, together with the weight of all containers, packages, holders, and packing, of whatsoever kind or character, in which said articles, goods, wares, and merchandise are contained, held, or packed at the time of importation.

(f) Articles, goods, wares, or merchandise affixed to cardboard, cards, paper, wood, or similar common material shall be dutiable together with the weight of such packing.

(g) The usual tapes, boards, and immediate wrapping shall be considered as a part of the dutiable weight of textiles.

(h) No duties shall be assessed on account of the usual coverings or holdings of articles, goods, wares, or merchandise dutiable otherwise than ad valorem, nor those free of duty, except as in this Act expressly provided, but if there be used for covering or holding imported articles, goods, wares, or merchandise, whether dutiable or free, any unusual article, form, or material adapted for use otherwise than in the bona fide transportation of such articles, goods, wares, or merchandise to the Philippine Islands, duty shall be levied and collected on such covering or holding in accordance with the corresponding paragraphs of this Act.

(i) Whenever the interior container or packing of any article dutiable by

weight is of an unusual character, including silk-lined cases, cases of fine wood, silk, leather, or imitations thereof, such as are used to contain jewelry, plate, trinkets, and the like, such containers or packing shall be dutiable at the rate applicable to the component material of chief value.

(j) When a single package contains imported merchandise dutiable according to different weights, or weight and ad valorem, the common exterior receptacle shall be prorated and the different proportions thereof treated in accordance with the provisions of this rule as to the dutiability or nondutiability of such packing.

(k) Where articles, goods, wares, or merchandise dutiable by weight, and not otherwise specially provided for, are customarily contained in packing, packages, or receptacles of uniform or similar character, it shall be the duty of the insular collector of customs, from time to time, to ascertain by tests the actual weight or quantity of such articles, goods, wares, or merchandise, and the actual weight of the packages, packing, or receptacles thereof, respectively, in which the same are customarily imported, and upon such ascertainment, to prescribe rules for estimating the dutiable weight or quantity thereof, and thereafter such articles, goods, wares, or merchandise imported in such customary packing, packages, or receptacles shall be entered, and the duties thereon levied and collected, upon the basis of such estimated dutiable weight or quantity: *Provided*, That if the importer, consignee, or agent shall be dissatisfied with such estimated dutiable weight or quantity, and shall file with the collector of customs prior to the delivery of the packages designated for examination a written specification of his objections thereto, or if the collector of customs shall have reason to doubt the exactness of the prescribed weight or quantity in any instance, it shall be his duty to cause such actual weights or quantities to be ascertained.

PROHIBITED IMPORTATIONS.

Sec. 3. That importation or shipment into the Philippine Islands of the following articles is prohibited:

(a) Dynamite, gunpowder, similar explosives, firearms and detached parts therefor, except in accordance with enactment of the Philippine legislature, or when imported by, or for the use of, the United States or insular governments.

(b) Articles, books, pamphlets, printed matter, manuscripts, typewritten matter, paintings, illustrations, figures or objects of obscene or indecent character or subversive of public order.

(c) Roulette wheels, gambling outfits, loaded dice, marked cards, machines, apparatus, or mechanical devices used in gambling, or in the distribution of money, cigars, or other articles when such distribution is dependent upon chance.

(d) Any article manufactured in whole or in part of gold or silver or alloys thereof, falsely marked or stamped in violation of the Act of Congress of June thirteenth, nineteen hundred and six, entitled "An Act forbidding the importation, exportation, or carriage in interstate commerce of falsely or spuriously stamped articles of merchandise made of gold or silver or their alloys, and for other purposes."

(e) Any article violating the provisions of the Act of Congress of June thirtieth, nineteen hundred and six, entitled "An Act for preventing the manufacture, sale, or transportation of adulterated or misbranded or poisonous or deleterious foods, drugs, medicines, and liquors, and for regulating traffic therein, and for other purposes," commonly known as "the pure-food law."

(f) Lottery tickets, advertisements thereof, lists of drawings therein, which, after seizure upon illegal entry, shall, together with the proceeds thereof, be forfeited to the government of the Philippine Islands, after due process of law.

(g) Opium, in whatever form, except by the government of the Philippine Islands, and by pharmacists duly licensed and registered as such, under the laws in force in said islands, and for medicinal purposes only.

(h) Opium pipes, parts thereof, of whatsoever material.

ABBREVIATIONS.

SEC. 4. That the following abbreviations employed in this Act shall represent the terms indicated:

Hectog. for hectogram.

Kilo. for kilogram.

Kilos. for kilograms.

Hectol. for hectoliter.

DEFINITIONS.

SEC. 5. The term "pharmaceutical product," wherever used in this Act, shall be held to include all medicines or preparations recognized in the United States Pharmacopœia or National Formulary for internal or external use, and any substance or mixture of substances used for the cure, mitigation, or prevention of human or animal diseases, provided the same are not otherwise provided for in this Act.

The term "proprietary," as applied to medicinal remedies, wherever used in this Act, shall be held to mean a "preparation the manufacture or sale of which is restricted, through patent of the drug or combination of drugs, copyright of the label or name, or in any other manner, or a preparation concerning which the producer or manufacturer claims a private formula."

Wherever in this Act the words "the same" appear as the first words of a paragraph they shall be held to refer to and to mean the same as the caption of the preceding paragraph. Should such words appear as the first words of a clause they shall be held to refer to and to mean the same as the clause which immediately precedes the one in which they are used.

PAYMENT OF DUTIES.

SEC. 6. That the rates of duty established in this Act are stated in money of the United States of America, but that payment thereof shall be made in Philippine currency or its equivalent in money of the United States of America.

METRIC SYSTEM.

SEC. 7. That the metric system of weights and measures as authorized by sections thirty-five hundred and sixty-nine and thirty-five hundred and seventy of the Revised Statutes of the United States, and at present in use in the Philippine Islands, shall be continued.

The meter is equal to thirty-nine and thirty-seven one-hundredths inches.

The liter is equal to one and five hundred and sixty-seven ten-thousandths quarts, wine measure.

The kilogram is equal to two and two thousand and forty-six ten-thousandths pounds, avoirdupois.

RATES OF DUTIES.

SEC. 8. That the rates of duties to be collected on articles, goods, wares, or merchandise imported into the Philippine Islands, or going into said islands from the United States or any of its possessions except as otherwise provided in this Act, shall be as follows: *Provided*, That no article bearing evident signs of being for sanitary construction shall pay a higher rate of duty than twenty per centum ad valorem: *And provided further*, That no article shall pay a higher rate of duty than one hundred per centum ad valorem, except and unless the same shall be classified under paragraphs ninety, two hundred and thirty-seven, two hundred and fifty-seven, two hundred and fifty-eight, two hundred and fifty-nine, two hundred and sixty, two hundred and sixty-one or three hundred and one, in which event the rate of duty thereby resulting shall be collected, anything in this Act to the contrary notwithstanding: *And provided further*, That articles of foreign growth, produce, or manufacture shall be dutiable upon each importation, even though previously exported from the Philippine Islands, except as otherwise specifically provided in this Act.

CLASS I. — STONES, EARTHS, GLASS, AND CERAMIC PRODUCTS.

GROUP 1. — STONES AND EARTHS.

1. Marble, onyx, jasper, alabaster, and similar fine stones:
 - (a) In block, rough or squared only, and marble dust, twenty per centum ad valorem.
 - (b) In slabs, plates, or steps, sawed or chiseled, polished or not, but without ornamentation, thirty per centum ad valorem.
 - (c) Any of these stones, lettered, further manufactured or decorated, not otherwise provided for, forty per centum ad valorem.
2. Stones, other, natural or artificial, gross weight:
 - (a) In block, rough or squared only, one hundred kilos., ten cents.
 - (b) Crushed, sawn, hewn, or dressed, whether polished or not, or if in slabs, plates, or steps, one hundred kilos., fifty cents.
 - (c) Manufactured into articles not otherwise provided for, one hundred kilos., one dollar.
3. Millstones, grindstones, whetstones, oilstones and hones, of all kinds, and emery, carborundum, and similar wheels for sharpening, dressing, or polishing, including frames and mountings for any of the foregoing imported therewith, ten per centum ad valorem.
4. Asbestos, and manufactures thereof, not otherwise provided for, fifteen per centum ad valorem.
5. Mica and lava, and manufactures thereof, gas-burner tips, and Welsbach and other similar mantles for lamps, twenty-five per centum ad valorem.
6. Earths, gross weight:
 - (a) Fire clay, lime, and Roman, Portland and other hydraulic cement, one hundred kilos., sixteen cents.
 - (b) Gypsum, pumice, emery, chalk, kaolin (China clay), unmanufactured, and other crude earths and clays not otherwise provided for, one hundred kilos., forty cents.
7. Manufactures of gypsum, gross weight, one hundred kilos., five dollars.
Provided, That no article classified under this paragraph shall pay a less rate of duty than fifty per centum ad valorem.

8. Manufactures of chalk, including billiard chalk, red chalk, and French and tailors' chalk, including weight of immediate containers, one hundred kilos., four dollars.
9. Common clay and cement, in bricks, squares, tiles, and pipes, not otherwise provided for, ten per centum ad valorem.
10. Ceramic tiles, gross weight:
 - (a) Varnished or glazed, whether vitrified or not, undecorated, one hundred kilos., forty-five cents.
 - (b) Enameled, ornamented or decorated, one hundred kilos., one dollar and twenty cents.
11. Porcelain, bisque, faience, earthenware, stoneware, and other ceramic wares not otherwise provided for:
 - (a) In filters and articles bearing evident signs of being for sanitary construction, and parts therefor identifiable as such, ten per centum ad valorem.
 - (b) In common bottles, jars, crucibles, cupels, kitchen utensils and flowerpots, neither gilt, painted, glazed, decorated, nor ornamented, fifteen per centum ad valorem.
 - (c) In articles not otherwise provided for, neither gilt, painted, glazed, decorated, nor ornamented, twenty per centum ad valorem.
 - (d) In dishes, tableware, or articles not otherwise provided for, glazed or plain-tinted, but neither gilt, painted, decorated, nor ornamented, twenty-five per centum ad valorem.
 - (e) In dishes, tableware, or articles not otherwise provided for, painted, gilt, decorated, or ornamented, forty per centum ad valorem.
 - (f) Fine decorated wares, in jardinières, flower stands, vases, and articles for decorative purposes, statuettes, high and bas-reliefs, and Satsuma, Sevres, and similar fine porcelains, whether decorated or not, fifty per centum ad valorem.
12. Manufactures of earths and clays not otherwise provided for:
 - (a) Plain, twenty-five per centum ad valorem.
 - (b) Ornamented or decorated, forty per centum ad valorem.

GROUP 2. — PRECIOUS STONES, PEARLS, AND IMITATIONS THEREOF.

13. Precious and semiprecious stones, including jade, tiger-eye, chalcedony, opal, and similar stones not otherwise provided for, any of the foregoing cut or uncut, but unmounted and unset, and not further manufactured, pearls unmounted and unset, diamond dust and bort, fifteen per centum ad valorem.
14. Doublets and other imitations of precious and of semiprecious stones, and imitation pearls, unmounted and unset, thirty per centum ad valorem.

GROUP 3. — GLASS AND MANUFACTURES THEREOF.

Articles ground or cut only for the purpose of truing them or fitting stoppers shall not be held to be cut glass.

15. Common hollow glassware:

- (a) In demijohns, carboys, jars, bottles, flasks, and similar receptacles, whether empty or in use as containers of merchandise dutiable by weight or measure (except in those cases in which

the classification of such containers is otherwise specifically provided for), ten per centum ad valorem.

(b) Siphon bottles, thirty per centum ad valorem.

16. Glass, crystal, and glass imitating crystal:

(a) In decanters, glasses, tumblers, cups, goblets, saucers, plates, dishes, pitchers, bowls, candlesticks, pillar lamps, bracket lamps, and other articles of table service or for lighting; wash-bowls, wash basins, soap dishes, toothbrush holders and wash-stand pitchers, any of the foregoing not cut, engraved, painted, enameled, or gilt, twenty-five per centum ad valorem.

(b) The same, cut, engraved, painted, enameled or gilt, fifty per centum ad valorem.

17. Lamp chimneys:

(a) Neither engraved nor ornamented (except as to such fluting and finishing as may be made in the process of manufacture), twenty-five per centum ad valorem.

(b) Other, fifty per centum ad valorem.

18. Glass or crystal in plates, slabs, and similar forms:

(a) Slabs, cones or prisms, for paving or roofing, gross weight, one hundred kilos., one dollar and sixty-five cents.

(b) Common window glass, neither polished, beveled, engraved nor annealed, twenty-five per centum ad valorem.

(c) The same, set in lead, or frosted plain or in design; plate glass, polished, beveled or not, thirty-five per centum ad valorem.

(d) Glass, of all kinds, engraved or enameled, fifty per centum ad valorem.

19. Mirrors of all kinds, framed or mounted (with whatever material), or not, including the value of the frames and mountings, thirty-five per centum ad valorem.

20. Other manufactures of glass:

(a) In spectacles, eyeglasses, and goggles, also lenses for same, mounted or unmounted, including the value of the mountings, twenty-five per centum ad valorem.

(b) In flower stands, vases, urns, and similar articles for toilet and decorative purposes, neither cut, painted, enameled, nor gilt, forty per centum ad valorem.

(c) The same, cut, painted, enameled, or gilt, sixty per centum ad valorem.

(d) Powdered or crushed glass, twenty-five per centum ad valorem.

(e) Manufactures not otherwise provided for, in which glass is the component material of chief value, thirty-five per centum ad valorem.

CLASS II. — COAL, SCHISTS, BITUMENS, AND DERIVATIVES THEREOF.

GROUP 1. — COAL.

21. Coal and coke, gross weight, one thousand kilos., twenty-five cents.

GROUP 2. — SCHISTS, BITUMENS, AND DERIVATIVES THEREOF.

22. Tars, pitches, and tar oils, not otherwise provided for; mineral oils, crude or refined, including those for illumination, lubrication, fuel, or solvents; vaseline (except when compounded with other substances); axle

grease of all kinds; asphaltums; carbolinum and similar compounds; gross weight, one hundred kilos., twenty-five cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than ten per centum ad valorem.

Provided further, That, though imported under a name referable to this paragraph, paraffin, or other similar products, shall be classified under paragraph eighty-three of this Act.

CLASS III. — METALS AND MANUFACTURES THEREOF.

GROUP 1. — GOLD, SILVER, AND PLATINUM; ALLOYS THEREOF; GOLD AND SILVER PLATED ARTICLES.

23. Gold, platinum, and alloys thereof:

- (a) In jewelry, plate and goldsmiths' wares not otherwise provided for, hectog., twelve dollars and fifty cents.
- (b) The same, set with pearls or with precious or semiprecious stones, hectog., twenty-five dollars.
- (c) The same, set with doublets or with imitations of pearls or of precious or semiprecious stones, hectog., seventeen dollars and fifty cents.
- (d) Articles or manufactures of gold or platinum (except jewelry), composed in part of other materials, in which the component material of chief value is gold or platinum, not otherwise provided for, pellets for use in dentistry, solder and foil, hectog., three dollars.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

24. Silver and alloys thereof:

- (a) In jewelry, plate and silversmiths' wares not otherwise provided for, hectog., one dollar.
- (b) The same, set with pearls or with precious or semiprecious stones, hectog., five dollars.
- (c) The same, set with doublets or with imitations of pearls or of precious or semiprecious stones, hectog., five dollars.
- (d) Articles or manufactures of silver (except jewelry), composed in part of other materials, in which the component material of chief value is silver, not otherwise provided for, solder and foil, hectog., forty cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

25. Gold and silver plated wares:

- (a) In jewelry, kilo., two dollars and forty cents.
- (b) In lamps not otherwise provided for, picture frames, knives, forks, and spoons, carriage and coffin fittings, saddlery hardware, foil, kilo., sixty cents.
- (c) Not otherwise provided for, kilo., two dollars.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

GROUP 2. — CAST IRON.

Malleable cast iron and manufactures thereof shall be dutiable as wrought iron.

26. Articles of cast iron, painted or not, but not otherwise coated or ornamented, neither polished nor turned, gross weight:
- (a) Bars, beams, plates, grates for furnaces, columns and pipes, one hundred kilos., thirty-five cents.
 - (b) Other, one hundred kilos., seventy-five cents.
27. Other articles of cast iron (except those covered or coated with gold or silver), fifteen per centum ad valorem.

GROUP 3. — WROUGHT IRON AND STEEL.

28. Wrought iron and steel, gross weight:
- (a) In rails, straight or bent, cross ties, portable tramways, crossings and similar track sections; switch rails, switches, tongues, frogs, fish plates and chairs; one hundred kilos., forty cents.
 - (b) In bars or beams (except of crucible steel), not cut to measure, perforated, or riveted or fastened together, rods, tires, and hoops, one hundred kilos., forty cents.
Provided, That bars or rods not exceeding fifteen millimeters in diameter and steel known as "bamboo steel," classified under clause (b) of this paragraph, shall not pay a less rate of duty than fifteen per centum ad valorem.
 - (c) The same, of crucible steel, one hundred kilos., two dollars and sixty-five cents.
Provided, That no article classified under clause (c) of this paragraph shall pay a less rate of duty than fifteen per centum ad valorem.
29. Wrought iron or steel in sheets, gross weight:
- (a) Plain and unpolished, one hundred kilos., fifty cents.
 - (b) Polished, corrugated, perforated, or cold rolled, galvanized or not, and hoop iron, one hundred kilos., one dollar.
Provided, That any of the articles or materials classified under clause (b) of this paragraph, made up in hoops, ridgings, eaves, drain pipes, gutters, ceilings, shingles, ceiling centers, borders, friezes, dados, and similar articles, shall be dutiable at the rate herein provided, with a surtax of one hundred per centum.
 - (c) Tinned, terneplate, and tin plate, one hundred kilos., one dollar and twenty cents.
30. Wrought iron or steel, in pieces, in the rough, gross weight:
- (a) Neither polished, turned nor adjusted, one hundred kilos., sixty-five cents.
 - (b) Rough-turned or lathed, but neither polished nor adjusted, one hundred kilos., one dollar.
31. Wrought iron or steel, in pieces, finished, gross weight:
- (a) Wheels weighing each more than one hundred kilos., axles, springs, brake-shoes, drawbars, brake-beams, bumpers, couplings, lubricating boxes, and similar articles for railways and tramways, one hundred kilos., forty-five cents.

- (b) Wheels weighing each one hundred kilos. or less, axles and springs for vehicles, not otherwise provided for, one hundred kilos., one dollar and five cents.
- 32. Wrought iron or steel in large pieces, composed of bars, beams, or sheets, for structural purposes, perforated or cut to measure, fastened together or not, gross weight, one hundred kilos., one dollar and twenty-five cents.
- 33. Wrought iron or steel pipes, gross weight:
 - (a) Plain, painted, tarred, or galvanized, one hundred kilos., one dollar and ten cents.
 - (b) Other (except those coated or covered with gold or silver), one hundred kilos., one dollar and fifty cents.
- 34. Wrought iron or steel wire:
 - (a) More than one millimeter in diameter, plain, galvanized, or coppered, wire cables and ropes, and barbed wire, ten per centum ad valorem.
 - (b) One millimeter or less in diameter, plain, galvanized, or coppered, and wire netting, fifteen per centum ad valorem.
 - (c) Other, including those covered with textiles, twenty-five per centum ad valorem.
 - (d) Gauze, cloths, and screenings, in the piece, twenty per centum ad valorem.
 - (e) In other manufactures (except those covered or coated with gold or silver), not otherwise provided for, twenty-five per centum ad valorem.
- 35. Wrought iron or steel chains, in the piece or otherwise (except in trinkets or jewelry):
 - (a) Exceeding five millimeters in diameter, ten per centum ad valorem.
 - (b) Other, plain, painted, or galvanized, fifteen per centum ad valorem.
 - (c) The same, covered or coated with other metals (except gold or silver), twenty-five per centum ad valorem.
- 36. Anvils, ten per centum ad valorem.
- 37. Nuts, bolts, rivets, and washers, one hundred kilos., two dollars.
- 38. Nails, clasp nails, and staples, ten per centum ad valorem.
- 39. Screws, tacks, and brads, fifteen per centum ad valorem.
- 40. Saddlery hardware (except chains and buckles), plain, or covered or coated with other metals or materials (except gold or silver), fifteen per centum ad valorem.
- 41. Buckles (except trinkets or ornaments, or covered or coated with gold or silver), fifteen per centum ad valorem.
- 42. Cutlery:
 - (a) Butchers', shoemakers', saddlers', plumbers', painters', pruning, budding, kitchen, bread, and cheese knives; table knives and forks with handles of common wood, or of iron, japanned or not, not covered or coated with other metals; common scissors or shears, plain, glazed, or japanned; grass, garden, hedge, pruning, and sheep shears; fishhooks; twenty per centum ad valorem.
 - (b) Pocket cutlery, hunting and sheath knives, side arms (not fire) and parts therefor, razors, and other cutlery, including scissors and shears not otherwise provided for (except those covered or coated with gold or silver), thirty per centum ad valorem.

- (c) Sword canes and similar articles and weapons with concealed blades, eighty per centum ad valorem.
43. Firearms of all kinds and detached parts therefor, forty per centum ad valorem.
44. Manufactures of terneplate or tin plate:
- (a) In articles not otherwise provided for, plain, painted, varnished, or japanned, fifteen per centum ad valorem.
 - (b) The same, including vehicle lamps, covered, coated, or combined with other metals or materials (except gold or silver), twenty per centum ad valorem.
 - (c) Vehicle lamps, covered or coated to any extent with gold or silver, in which the component material of chief value is tin plate, twenty-five per centum ad valorem.
45. Manufactures not otherwise provided for, in which wrought iron or steel is the component material of chief value:
- (a) Plain, painted, varnished, or japanned, or covered or coated with lead, tin, or zinc, fifteen per centum ad valorem.
 - (b) Other (except those covered or coated with gold or silver), twenty per centum ad valorem.

GROUP 4. — COPPER AND ALLOYS THEREOF.

46. Copper or alloys thereof, in bars, pipes, and sheets, or alloys of copper, in lumps and ingots, any of the foregoing except of Muntz metal, ten per centum ad valorem.
47. Copper and alloys thereof, in wire:
- (a) Plain, fifteen per centum ad valorem.
 - (b) Blanched, gilt, or nicked, twenty-five per centum ad valorem.
 - (c) Covered with textiles, not otherwise provided for, or with insulating materials, cables for conducting electricity and trolley wire, ten per centum ad valorem.
 - (d) Covered with silk, not otherwise provided for, twenty-five per centum ad valorem.
 - (e) Gauze, cloths, and screenings, in the piece, twenty per centum ad valorem.
 - (f) Manufactures not otherwise provided for, in which wire of copper or its alloys is the component material of chief value (except when covered or coated with gold or silver), twenty-five per centum ad valorem.
48. Manufactures not otherwise provided for, in which copper or alloys thereof is the component material of chief value:
- (a) Plain, polished, varnished, painted, tinned, or japanned, twenty per centum ad valorem.
 - (b) Other (except those covered or coated with gold or silver), twenty-five per centum ad valorem.

GROUP 5. — OTHER METALS AND ALLOYS THEREOF.

49. Mercury, gross weight, kilo., ten cents.
50. Nickel, aluminum, and alloys thereof:
- (a) In bars, sheets, pipes, and wire, fifteen per centum ad valorem.
 - (b) In articles not otherwise provided for, twenty-five per centum ad valorem.

51. Tin and alloys thereof:

(a) In bars, sheets, pipes, and wire, in thin leaves (tin foil), and alloys in lumps or ingots, ten per centum ad valorem.

(b) In articles not otherwise provided for (except those covered or coated with gold or silver), twenty-five per centum ad valorem.

52. Zinc, lead, and metals not otherwise provided for, and alloys thereof:

(a) In bars, sheets, pipes, wire, and type, and sanitary traps and other plain articles bearing evident signs of being for sanitary construction, and alloys in lumps or ingots, ten per centum ad valorem.

(b) In plain articles not otherwise provided for, fifteen per centum ad valorem.

(c) In articles gilt, nicked, or otherwise embellished (except those covered or coated with gold or silver), twenty-five per centum ad valorem.

CLASS IV. — SUBSTANCES EMPLOYED IN PHARMACY, AND CHEMICAL INDUSTRIES; DRUGS, CHEMICALS, PIGMENTS, AND VARNISHES.

GROUP 1. — SIMPLE DRUGS.

53. Oleaginous seeds, copra, and cocoanuts, gross weight:

(a) Crude, one hundred kilos., eighty cents.

(b) In meal, flour, or cakes, not otherwise provided for, one hundred kilos., one dollar and fifty cents.

54. Resins and gums:

(a) Colophony (common or navy resin), Burgundy and similar pitch, and Stockholm tar, ten per centum ad valorem.

(b) Other, when not in the form of a pharmaceutical product or preparation, twenty per centum ad valorem.

55. Drugs, such as barks, beans, berries, buds, bulbs, bulbous roots, fruits, flowers, dried fibers, grains, herbs, leaves, lichens, mosses, stems, seeds aromatic and seeds of morbid growth, weeds, woods, and similar vegetable products, crude, neither edible nor in the form of a pharmaceutical product or preparation, not otherwise provided for, including weight of immediate containers, one hundred kilos., three dollars.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

56. Ginseng root, kilo., five dollars.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

57. Animal products employed in medicine, crude, neither edible nor in the form of a pharmaceutical product or preparation, not otherwise provided for, including weight of immediate containers, one hundred kilos., four dollars.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

GROUP 2. — PIGMENTS, PAINTS, DYES, AND VARNISHES.

58. Mineral pigments of common, natural occurrence (including ochers, haemitites, barytes, and manganese), substances prepared for calamines and whitewash, any of the foregoing when dry, ten per centum ad valorem.

Any substance otherwise subject to classification under this paragraph shall, when imported in the form of a liquid or paste, be dutiable under clause (d) of paragraph fifty-nine.

59. Pigments and paints not otherwise provided for:

- (a) White or red lead, dry, fifteen per centum ad valorem.
- (b) The same, in liquid or paste, putty of all kinds, bituminous paints made from mineral pitch or coal tar (not aniline dyes), twenty per centum ad valorem.
- (c) Pigments not otherwise provided for, dry, twenty per centum ad valorem.
- (d) The same, in liquid or paste, twenty-five per centum ad valorem.

60. Varnishes and wood fillers of all kinds, fifteen per centum ad valorem.

61. Spirits of turpentine, ten per centum ad valorem.

62. Inks:

- (a) Printing and lithographic, in any form, fifteen per centum ad valorem.
- (b) Other, in any form, twenty-five per centum ad valorem.

63. Pencils of paper or wood, filled with lead or other materials, pencils of lead, and charcoal and other crayons not otherwise provided for, fifteen per centum ad valorem.

64. Dyes, dyestuffs, tan bark and tanning extracts, not otherwise provided for:

- (a) Woods, barks, roots, and similar natural products, for dyeing or tanning, ten per centum ad valorem.
- (b) Extracts from the same, for dyeing or tanning, and cutch in any form, fifteen per centum ad valorem.
- (c) Cochineal, indigo (natural or synthetic), colors derived from coal, and chemical dye colors not otherwise provided for, thirty per centum ad valorem.

65. Graphite and manufactures of the same (except axle grease), and polishing, dressing, cleansing, and preserving preparations, for shoes and leather, twenty-five per centum ad valorem.

GROUP 3. — CHEMICAL AND PHARMACEUTICAL PRODUCTS.

66. Sulphur, gross weight, one hundred kilos., fifty cents.

67. Bromine, boron, iodine, and phosphorus, twenty per centum ad valorem.

68. Inorganic acids:

- (a) Hydrochloric, boric, nitric and sulphuric, and mixtures of two or more of the same, gross weight, one hundred kilos., thirty-five cents.
- (b) Carbon dioxide (liquid carbonic acid), and sulphur dioxide, twenty per centum ad valorem.
- (c) Not otherwise provided for, twenty-five per centum ad valorem.

69. Organic acids, not otherwise provided for:

- (a) Carbolic, ten per centum ad valorem.
- (b) Other, twenty-five per centum ad valorem.

70. Oxides and hydroxides of potassium, sodium, barium, and other caustic alkalies, not otherwise provided for, and soda ash, gross weight, one hundred kilos., fifty cents.

71. Aqua ammonia, and anhydrous ammonia, fifteen per centum ad valorem.

72. Inorganic salts:

- (a) Sulphates of ammonium and potassium, chloride of potassium, phosphates and superphosphates of lime, nitrates of potassium

and sodium, and other chemical and artificial fertilizers, five per centum ad valorem.

(b) Calcium hypochlorite (chloride of lime), ten per centum ad valorem.

(c) Common salt and salts not otherwise provided for, twenty-five per centum ad valorem.

73. Organic salts not otherwise provided for, twenty-five per centum ad valorem.

Provided, That no acids or double salts shall be dutiable under this paragraph.

74. Mixtures of denaturants, formalin, and potassium bitartrate (cream of tartar, argols, wine lees), ten per centum ad valorem.

75. Chemical products, compounds and elements, not otherwise provided for, twenty-five per centum ad valorem.

76. Alkaloids and their salts (except those of opium or of cinchona bark), and salts of gold, silver and platinum, thirty-five per centum ad valorem.

77. Opium in any form, and preparations thereof, for medicinal purposes, not otherwise provided for, subject to the provisions of section three of this Act, thirty-five per centum ad valorem.

78. Proprietary and patent medicinal mixtures and compounds; Chinese and similar medicines:

(a) Without alcohol, or containing not to exceed fourteen per centum of alcohol, fifty per centum ad valorem.

(b) Containing more than fourteen per centum of alcohol, seventy-five per centum ad valorem.

79. Pharmaceutical products, medicinal preparations, plasters and poultices, and capsules empty, any of the foregoing not otherwise provided for, thirty per centum ad valorem.

80. Aseptic and antiseptic surgical dressings (including absorbent cotton, medicated or not), catgut, silk, and similar ligatures for use in surgery or dentistry, fifteen per centum ad valorem.

GROUP 4. — OILS, FATS, WAXES, AND DERIVATIVES THEREOF.

81. Fixed vegetable oils, solid or liquid:

(a) In receptacles weighing each (contents included) more than two kilos., fifteen per centum ad valorem.

(b) In other receptacles, proprietary or not (except when compounded with other substances, or in capsules), twenty-five per centum ad valorem.

82. Animal oils and fats, not otherwise provided for:

(a) Crude, ten per centum ad valorem.

(b) Refined, in receptacles weighing each (contents included) more than two kilos., fifteen per centum ad valorem.

(c) The same, in other receptacles, proprietary or not (except when compounded with other substances, or in capsules), twenty-five per centum ad valorem.

83. Mineral, vegetable, and animal wax:

(a) Crude, ten per centum ad valorem.

(b) In candles, twenty per centum ad valorem.

(c) In manufactures not otherwise provided for, thirty per centum ad valorem.

84. Soaps, soap powders, and similar cleansing and scouring preparations or compositions, any of the foregoing not otherwise provided for, fifteen per centum ad valorem.
85. Essential oils, perfumery and products used in the manufacture thereof, and toilet preparations:
- (a) Essential oils, natural or artificial, fifty per centum ad valorem.
 - (b) Perfumery and products used in the manufacture thereof, toilet preparations (including powders, oils, cosmetics, hair dyes, tooth soaps and tooth powders, grease paints, and similar articles for toilet purposes), any of the foregoing not otherwise provided for, incense, and joss sticks, forty per centum ad valorem.

GROUP 5. — VARIOUS.

86. Bone char, suitable for use in decolorizing sugar, ten per centum ad valorem.
87. Starch, fecula, and dextrin, any of the foregoing for industrial purposes, gross weight, one hundred kilos., two dollars.
88. Glues, albumens, gelatins, isinglass, and manufactures of any of the foregoing, twenty-five per centum ad valorem.
89. Explosives:
- (a) Dynamite, giant and blasting powder, and similar explosives, miners' fuses and caps, and explosive signals, ten per centum ad valorem.
 - (b) Other, cartridges, fixed ammunition, primers and percussion caps, for firearms, fire works, thirty per centum ad valorem.
 - (c) Fire crackers and toy torpedoes, including weight of immediate containers, kilo., twenty cents.
90. Matches and match sticks of all kinds, including weight of immediate containers, kilo., twenty cents.

CLASS V. — COTTON AND MANUFACTURES THEREOF.

GROUP 1. — COTTON WASTE.

91. Cotton waste, ten per centum ad valorem.

GROUP 2. — YARNS, THREADS, AND CORDAGE.

92. Yarns, not otherwise provided for, in bales, cops, or bobbins, fifteen per centum ad valorem.
93. Yarns or threads for sewing, crocheting, darning, or embroidering, and mercerized yarns or threads, twenty-five per centum ad valorem.
94. Threads or twines for sewing sails and sacks; rope and cordage, fishing nets, and wicks for making candles and matches, twenty per centum ad valorem.
95. Hammocks, tennis nets, and manufactures of netting not otherwise provided for, forty per centum ad valorem.
96. Felts, batting, and mops and swabs of cotton yarns, fifteen per centum ad valorem.

GROUP 3. — TEXTILES.

When textiles, included in this group, contain an admixture of materials, are brochéd, embroidered, trimmed, or made-up, they shall be subject to the corresponding surtaxes prescribed in General Rules Two to Eleven, inclusive.

Textiles woven with a colored yarn on the selvage, or with a colored selvage stripe not exceeding ten millimeters in width, shall not be considered as manufactured with dyed yarns.

97. Textiles, plain and without figures, napped or not, weighing eight kilos. or more per one hundred square meters, having:

- (a) Up to eighteen threads, kilo., ten cents.
- (b) From nineteen to thirty-one threads, kilo., fourteen cents.
- (c) From thirty-two to thirty-eight threads, kilo., twenty cents.
- (d) From thirty-nine to forty-four threads, kilo., twenty-six cents.
- (e) Forty-five threads or more, kilo., thirty-two cents.

Provided, That any textile classified under this paragraph, stamped, printed, or manufactured with dyed yarns, shall be dutiable as such, with a surtax of thirty per centum; and

Provided further, That no embroidered textile classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem, and any embroidered textile so classified shall be subject to all of the surtaxes applicable thereto under this Act, computed upon the ascertained amount of duty, whether the rate found applicable shall be specific or ad valorem.

98. The same, weighing less than eight kilos. per one hundred square meters, having:

- (a) Up to eighteen threads, kilo., eighteen cents.
- (b) From nineteen to thirty-one threads, kilo., twenty-seven cents.
- (c) From thirty-two to thirty-eight threads, kilo., thirty-four cents.
- (d) From thirty-nine to forty-four threads, kilo., forty cents.
- (e) Forty-five threads or more, kilo., fifty cents.

Provided, That any textile classified under this paragraph, stamped, printed, or manufactured with dyed yarns, shall be dutiable as such, with a surtax of forty per centum; and

Provided further, That no embroidered textile classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem, and any embroidered textile so classified shall be subject to all of the surtaxes applicable thereto under this Act, computed upon the ascertained amount of duty, whether the rate found applicable shall be specific or ad valorem.

99. Textiles, twilled or figured in the loom, napped or not, weighing ten kilos. or more per one hundred square meters, having:

- (a) Up to eighteen threads, kilo., fourteen cents.
- (b) From nineteen to thirty-one threads, kilo., eighteen cents.
- (c) From thirty-two to thirty-eight threads, kilo., twenty-four cents.
- (d) Thirty-nine to forty-four threads, kilo., thirty cents.
- (e) Forty-five threads or more, kilo., thirty-four cents.

Provided, That any textile classified under this paragraph, stamped, printed, or manufactured with dyed yarns, shall be dutiable as such, with a surtax of thirty per centum; and

Provided further, That no embroidered textile classified under this paragraph shall pay a less rate of duty than twenty-

five per centum ad valorem, and any embroidered textile so classified shall be subject to all of the surtaxes applicable thereto under this Act, computed upon the ascertained amount of duty, whether the rate found applicable shall be specific or ad valorem.

100. The same, weighing less than ten kilos., per one hundred square meters, having:

- (a) Up to eighteen threads, kilo., twenty-four cents.
- (b) From nineteen to thirty-one threads, kilo., thirty-two cents.
- (c) From thirty-two to thirty-eight threads, kilo., forty-two cents.
- (d) From thirty-nine to forty-four threads, kilo., fifty-two cents.
- (e) Forty-five threads or more, kilo., sixty cents.

Provided, That any textile classified under this paragraph, stamped, printed, or manufactured with dyed yarns, shall be dutiable as such, with a surtax of forty per centum; and

Provided further, That no embroidered textile classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem, and any embroidered textile so classified shall be subject to all of the surtaxes applicable thereto under this Act, computed upon the ascertained amount of duty, whether the rate found applicable shall be specific or ad valorem.

101. Piqués of all kinds, kilo., thirty-eight cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than thirty per centum ad valorem.

102. Cotton blankets:

- (a) Stamped, printed, or manufactured with dyed yarns, in the piece, kilo., thirteen cents;
- (b) Other, in the piece, kilo., ten cents.

Provided, That all cotton blankets, single or in pairs, hemmed, or bound, or not, shall be dutiable under this paragraph, with a surtax of thirty per centum.

103. Plushes, velvets, velveteens, and other pile fabrics (except in towels and bathrobes) subject to the provisions of Rule Six, kilo., fifty cents.

104. Bathrobes and towels manufactured of pile fabrics, twenty-five per centum ad valorem.

105. Knitted goods, subject to the provisions of Rule Six:

- (a) In the piece, twenty per centum ad valorem.
- (b) In jerseys, undershirts, drawers, stockings, or socks, twenty-five per centum ad valorem.
- (c) In other articles, thirty-five per centum ad valorem.

Provided, That any article classified under this paragraph, embroidered, shall be dutiable as such, with a surtax of thirty per centum, computed upon the ascertained amount of duty under the corresponding clause thereof.

106. Tulles, subject to the provisions of Rule Six, plain or figured or embroidered on the loom, kilo., fifty-six cents:

Provided, That no article classified under this paragraph shall pay a less rate of duty than thirty per centum ad valorem; and

Provided further, That any of the same embroidered or figured after weaving, out of the loom, shall be dutiable according to the respective clause, with a surtax of sixty per centum; and

Provided further, That if the embroidery consists of metal threads the surtax shall be eighty per centum; and

Provided further, That these surtaxes shall be computed upon the ascertained amount of duty, whether the rate found applicable be specific or ad valorem.

107. Laces and blondes, subject to the provisions of Rule Six:

(a) Lace curtains, bedspreads, pillow shams, and bed sets, unhemmed, hemmed, or bound, made on the Nottingham lace-curtain or warp machines, kilo., fifty cents.

(b) Other, sixty per centum ad valorem.

108. Carpeting, thirty per centum ad valorem.

109. Textiles called tapestries:

(a) In the piece, kilo., twenty cents.

(b) In made-up articles, kilo., thirty cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than forty per centum ad valorem.

110. Wicks for lamps, including weight of immediate containers, kilo., fifteen cents.

111. Trimmings, ribbons, braids, tape, and galloons, including weight of immediate containers (see Rule Seven):

(a) Tape, boot straps, kilo., twenty cents.

(b) Other, kilo., fifty cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than thirty per centum ad valorem.

112. Shoe and corset laces, including weight of immediate containers, kilo., thirty-five cents.

113. Cinches, saddle girths, reins, halters, and bridles, twenty-five per centum ad valorem.

114. Ribbons or bands for the manufacture of any of the articles enumerated in paragraph one hundred and thirteen, fifteen per centum ad valorem.

115. Waterproof or caoutchouc stuffs in combination with cotton textiles, and cotton elastic textiles manufactured with threads of gum elastic and manufactures thereof, twenty-five per centum ad valorem.

116. Manufactures of cotton, not otherwise provided for, twenty-five per centum ad valorem.

CLASS VI. — MANUFACTURES OF HEMP, FLAX, ALOE, JUTE, AND VEGETABLE FIBERS, NOT OTHERWISE PROVIDED FOR.

GROUP 1. — YARNS, THREADS, AND CORDAGE.

117. Yarns, not otherwise provided for, fifteen per centum ad valorem.

118. Threads, twines, ropes, cordage, and manufactures thereof:

(a) Twines, rope-yarns, ropes, and cordage, exceeding fifteen grams in weight per each ten meters, fishing nets, twenty per centum ad valorem.

(b) Threads, twines, cords, and yarns, twisted, weighing more than five and not exceeding fifteen grams per each ten meters, twenty-five per centum ad valorem.

(c) The same, weighing five or less grams per each ten meters, thirty per centum ad valorem.

(d) Hammocks, tennis nets, and manufactures of netting not otherwise provided for, forty per centum ad valorem.

119. Gunny sacks, each, two cents.

GROUP 2. — TEXTILES.

When textiles included in this group contain an admixture of materials, are embroidered, trimmed, or made up, they shall be subject to the corresponding surtax prescribed in General Rules Two to Eleven, inclusive.

Textiles woven with a colored yarn on the selvage, or with a colored selvage stripe not exceeding ten millimeters in width, shall not be considered as manufactured with dyed yarns.

120. Textiles of hemp, flax, aloë, jute, and vegetable fibers, not otherwise provided for, plain, twilled, or damasked, weighing thirty-five kilos. or more per one hundred square meters having —

- (a) Up to ten threads, used for bagging and baling, weighing forty-five kilos. or more per one hundred square meters, kilo., one cent.
- (b) The same, weighing from thirty-five to forty-five kilos. per one hundred square meters, kilo., two cents.
- (c) Up to ten threads, for other purposes, kilo., seven cents.
- (d) From eleven to eighteen threads, kilo., ten cents.
- (e) Nineteen threads or more, kilo., fifteen cents.

Provided, That any textile classified under this paragraph, bleached, half bleached, stamped, or printed, shall be dutiable as such, with a surtax of fifteen per centum; and

Provided further, That any textile classified under this paragraph, manufactured with dyed yarns, shall be dutiable as such, with a surtax of twenty-five per centum.

121. The same, weighing from twenty to thirty-five kilos. per one hundred square meters, having —

- (a) Up to ten threads, used for bagging and baling, kilo., two cents.
- (b) Up to ten threads, for other purposes, kilo., nine cents.
- (c) From eleven to eighteen threads, kilo., fourteen cents.
- (d) From nineteen to twenty-four threads, kilo., eighteen cents.
- (e) From twenty-five to thirty threads, kilo., twenty-two cents.
- (f) From thirty-one to thirty-eight threads, kilo., thirty cents.
- (g) Thirty-nine threads or more, kilo., forty cents.

Provided, That any textile classified under this paragraph, bleached, half bleached, stamped, or printed, shall be dutiable as such, with a surtax of twenty-five per centum; and

Provided further, That any textile classified under this paragraph, manufactured with dyed yarns, shall be dutiable as such, with a surtax of forty per centum.

122. The same, weighing from ten to twenty kilos. per one hundred square meters, having —

- (a) Up to eighteen threads, kilo., twelve cents.
- (b) From nineteen to twenty-four threads, kilo., twenty cents.
- (c) From twenty-five to thirty threads, kilo., twenty-eight cents.
- (d) From thirty-one to thirty-eight threads, kilo., thirty-six cents.
- (e) Thirty-nine threads or more, kilo., fifty-six cents.

Provided, That any textile classified under this paragraph, bleached, half bleached, stamped, or printed, shall be dutiable as such, with a surtax of thirty per centum; and

Provided further, That any textile classified under this paragraph, manufactured with dyed yarns, shall be dutiable as such, with a surtax of fifty per centum; and

Provided further, That no article classified under this paragraph shall pay a less rate of duty than twenty per centum ad valorem.

123. The same, weighing less than ten kilos. per one hundred square meters, having —

- (a) Up to twelve threads, kilo., eighteen cents.
- (b) From thirteen to twenty-two threads, kilo., thirty-two cents.
- (c) From twenty-three to thirty threads, kilo., forty-five cents.
- (d) From thirty-one to thirty-eight threads, kilo., fifty-six cents.
- (e) Thirty-nine threads or more, kilo., ninety cents.

Provided, That any textile classified under this paragraph, bleached, half bleached, stamped, or printed, shall be dutiable as such, with a surtax of thirty per centum; and

Provided further, That any textile classified under this paragraph, manufactured with dyed yarns, shall be dutiable as such, with a surtax of fifty per centum; and

Provided further, That no article classified under this paragraph shall pay a less rate of duty than twenty per centum ad valorem.

124. Plushes, velvets, velveteens, and other pile fabrics, subject to the provisions of Rule Six, thirty per centum ad valorem.

125. Knitted goods, subject to the provisions of Rule Six:

- (a) In the piece, or made up into jerseys, undershirts, drawers, stockings, or socks, thirty per centum ad valorem.
- (b) In other articles, forty per centum ad valorem.

126. Tulle and laces, subject to the provisions of Rule Six, sixty per centum ad valorem.

127. Carpeting, thirty-five per centum ad valorem.

128. Tapestries, kilo., forty cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than fifty per centum ad valorem.

129. Trimmings, ribbons, braid, tape, and galloons, including weight of immediate containers, subject to the provisions of Rule Seven:

- (a) Tape, boot straps, kilo., thirty cents.
- (b) Other, kilo., sixty cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than thirty-five per centum ad valorem.

130. Shoe and corset laces, including weight of immediate containers, kilo., forty cents.

131. Cinches, saddle girths, reins, halters, and bridles, thirty-five per centum ad valorem.

132. Ribbons or bands for the manufacture of any of the articles enumerated in paragraph one hundred and thirty-one, twenty per centum ad valorem.

133. Waterproof or caoutchouc stuffs in combination with textiles of vegetable fibers (other than cotton), elastic textiles of any of the same manufactured with threads of gum elastic, and manufactures thereof, thirty per centum ad valorem.

134. Manufactures of vegetable fibers, not otherwise provided for, thirty per centum ad valorem.

CLASS VII. — WOOL, BRISTLES, HAIR, AND MANUFACTURES THEREOF.

GROUP 1. — UNMANUFACTURED.

135. Wool, not otherwise provided for—
 (a) Combed, prepared for yarns, wool waste, ten per centum ad valorem.
 (b) Combed, and carded or dyed, fifteen per centum ad valorem.

GROUP 2. — YARNS.

136. Yarns, thirty per centum ad valorem.

GROUP 3. — MANUFACTURES.

137. Bristles, animal hair, and manufactures thereof, not otherwise provided for, thirty per centum ad valorem.
138. Human hair, made up into articles or not, fifty per centum ad valorem.
139. Knitted goods, subject to the provisions of Rule Six:
 (a) In the piece, thirty per centum ad valorem.
 (b) In jerseys, undershirts, drawers, stockings, or socks, thirty-five per centum ad valorem.
 (c) In other articles, forty per centum ad valorem.
140. Textiles of wool, in the piece, thirty-five per centum ad valorem.
141. Manufactures of wool, not otherwise provided for, forty per centum ad valorem.

CLASS VIII. — SILK AND MANUFACTURES THEREOF.

GROUP 1. — RAW AND SPUN.

142. Raw silk and silk waste, twenty-five per centum ad valorem.
143. Spun silks, not twisted, including weight of immediate containers, kilo, one dollar and fifty cents.
144. Floss and twisted silks, thirty-five per centum ad valorem.

GROUP 2. — TEXTILES.

145. Silk, in the piece, forty per centum ad valorem.
146. Manufactures in which silk, artificial silk, or imitation silk is the component material of chief value, not otherwise provided for, fifty per centum ad valorem.

CLASS IX. — PAPER AND MANUFACTURES THEREOF.

147. Printing paper, white or colored, suitable for books or newspapers, not printed or otherwise elaborated, and sand, glass, emery, carborundum, and similar papers, and sheathing and roofing paper, ten per centum ad valorem.
148. Paper, pasteboard, cardboard, bristol board, strawboard, and pulp board, white or colored, not otherwise provided for:
 (a) Not printed or otherwise elaborated, and writing paper, plain, ruled, or padded, but not printed, fifteen per centum ad valorem.

- (b) The same, manufactured into articles, including confetti and serpentine, and envelopes of all kinds, without printing, twenty per centum ad valorem.
149. Paper of all kinds, pasteboard, cardboard, bristol board, strawboard, and pulp board:
- (a) Ruled, printed, engraved, lithographed, surface coated, etched, embossed, or otherwise elaborated, printed or lithographed music, bound or in sheets, with or without words, not otherwise provided for, twenty per centum ad valorem.
- (b) The same, manufactured into articles, not otherwise provided for, twenty-five per centum ad valorem.
150. Cigarette paper, printed or not, fifteen per centum ad valorem.
151. Blank books, ruled or unruled, with printing or not, and copying books, twenty per centum ad valorem.
152. Printed books, bound or not, not otherwise provided for, ten per centum ad valorem.
153. Books and albums of lithographs, engravings, etchings, photographs, maps, or charts, not otherwise provided for, and painted designs, pastels, and ink drawings, made by hand, for use in manufacturing and in the industrial arts and sciences, thirty per centum ad valorem.
- Provided*, That this paragraph shall not apply to works of art introduced for use as such, even when imported for sale, which shall be classified under paragraph three hundred and twenty-four.
154. Papier maché, carton pierre, indurated pulp or fiber:
- (a) Not further manufactured than in sheets or blocks, ten per centum ad valorem.
- (b) Further manufactured, twenty per centum ad valorem.

CLASS X. — WOOD AND OTHER MATERIALS, AND MANUFACTURES THEREOF.

GROUP 1. — WOOD.

155. Common wood, including cedar of all kinds:
- (a) In logs or poles, or not further advanced in manufacture than hewn or sawn into rough boards or timber, cubic meter, one dollar.
- (b) Planed, dovetailed, or cut to size, including shingles, laths, and fencing, fifteen per centum ad valorem.
156. Fine wood:
- (a) In logs or poles, or not further advanced in manufacture than hewn or sawn into rough boards or timber, twenty per centum ad valorem.
- (b) Planed, dovetailed, or cut to size, twenty-five per centum ad valorem.
157. Wood shavings, sawdust, excelsior (except those of dye and scented woods), ten per centum ad valorem.
158. Shooks, staves, headings, hoops, and bungs, ten per centum ad valorem.
159. Tuns, pipes, casks, and similar receptacles, whether empty or in use as containers of merchandise dutiable by weight or measure (except in those cases in which the classification of such containers is otherwise specifically provided for):
- (a) Suitable for use as containers of liquids, twenty per centum ad valorem.
- (b) Other, ten per centum ad valorem.

GROUP 2. — MANUFACTURES OF WOOD.

160. Manufactures of common wood, not otherwise provided for, whether finished, turned, painted, varnished, or not, but neither inlaid, veneered, carved, nor upholstered, nor covered or lined with stuffs or leather, and Vienna or bent-wood furniture, twenty-five per centum ad valorem.
161. Manufactures of fine wood, not otherwise provided for, whether turned, painted, varnished, or polished, or upholstered, covered, or lined with stuffs (except silk or leather), or not, and manufactures of common wood, not otherwise provided for, veneered with other wood, or upholstered, covered, or lined with stuffs (except silk or leather), thirty per centum ad valorem.
162. Manufactures of common or fine wood, not otherwise provided for, gilt, inlaid, veneered with metal, or ornamented with metal or carving, or upholstered, covered, or lined with silk or leather, thirty-five per centum ad valorem.
163. Barbers' and dentists' chairs, of whatever material, twenty-five per centum ad valorem.
164. Bowling alleys, billiard, pool, bagatelle and similar tables, including balls, and parts and appurtenances of any of the foregoing, of whatever material (except chalk and cloth) forty per centum ad valorem.

GROUP 3. — VARIOUS.

165. Charcoal, firewood, other vegetable fuels, gross weight, one hundred kilos., five cents.
166. Cork:
 - (a) Rough or in boards, five per centum ad valorem.
 - (b) In stoppers for receptacles, fifteen per centum ad valorem.
 - (c) In other articles, twenty-five per centum ad valorem.
167. Straw for manufacturing purposes, rushes, vegetable hair, genista, osiers, bamboo, broomcorn, rattan, reeds, piths, not otherwise provided for:
 - (a) Crude, or not further advanced in manufacture than cut into straight lengths suitable for sticks for umbrellas, parasols, sunshades, whips, fishing rods, or walking canes, and straw braids, suitable for making or ornamenting hats, neither dyed, colored, stained nor artificially bleached, ten per centum ad valorem.
 The term "straw" as used in this clause shall be understood to mean that substance in its natural form and structure, and not the separated fiber thereof.
 - (b) Manufactured into furniture, twenty-five per centum ad valorem.
 - (c) Manufactured into articles not otherwise provided for, thirty-five per centum ad valorem.
 - (d) Rattan, split or stripped, bleached or not, twenty per centum ad valorem.

CLASS XI. — ANIMALS AND ANIMAL PRODUCTS, AND WASTES.**GROUP 1. — LIVE ANIMALS, NOT OTHERWISE PROVIDED FOR.**

168. Stallions, geldings, mares, mules, asses, each, ten dollars.
Provided, That sucking foals following their dams shall be free of duty.

169. Bovine animals:

- (a) Bulls, cows, oxen, each, two dollars.
- (b) Sucking calves, each, one dollar.

170. Swine, per head, one dollar.**171. Sucking pigs, each, twenty-five cents.****172. Animals, fish, reptiles, insects, not otherwise provided for, fifteen per centum ad valorem.****173. Birds, including poultry, each, ten cents.****GROUP 2. — HIDES, SKINS, LEATHER WARES, INTESTINES, AND WASTES.****174. Hides and skins, tanned, with the wool or hair on, and fur skins with the fur on, tanned or not, twenty-five per centum ad valorem.****175. Hides and skins, tanned, without the wool or hair, curried, dyed, or not:**

- (a) Cow, and hides not otherwise provided for, split or not, of the classes known as common sole, skirting, harness, or hydraulic leather, sheepskins (basils), and boot and shoe findings of any of the foregoing, ten per centum ad valorem.
- (b) The same of other classes, and calf, goat, kid, lamb, and similar skins, sheepskins finished in imitation of any of the foregoing, not having the artificial finishes enumerated under clause (e) of this paragraph, cowhide embossed in imitation of pigskin, and boot and shoe findings of any of the foregoing, fifteen per centum ad valorem.
- (c) Hides and skins, not otherwise provided for, hides and skins enameled, gilt, bronzed, bleached, figured, engraved, or embossed (except as provided in clause (b) of this paragraph), chamois, vellum, and parchment leathers, and boot and shoe findings of any of the foregoing, twenty-five per centum ad valorem.

176. Gloves:

- (a) Of kid skin, forty per centum ad valorem.
- (b) Other, twenty-five per centum ad valorem.

177. Boots and shoes:

- (a) Of cowhide, horsehide, sheepskin, and canvas, fifteen per centum ad valorem.
- (b) Other, and slippers, sandals and alpargatas, of whatever material (except silk), twenty-five per centum ad valorem.
- (c) The same, of silk, fifty per centum ad valorem.

178. Saddlery and harness, parts therefor, not otherwise provided for:

- (a) Draft harness and parts therefor, twenty per centum ad valorem.
- (b) Other harness, saddlery, and harness makers' wares, and parts therefor, manufactures of rawhide not otherwise provided for, and whips of whatever material, twenty-five per centum ad valorem.

179. Manufactures of leather, not otherwise provided for, thirty-five per centum ad valorem.**180. Bladders, integuments and intestines of animals, fish sounds, not otherwise provided for:**

- (a) Not further advanced in manufacture than dried, thirty per centum ad valorem.
- (b) Further advanced, fifty per centum ad valorem.

181. Animal wastes and by-products not otherwise provided for:
- (a) Unmanufactured, including any of the same ground or prepared as fertilizers or as food for animals, ten per centum ad valorem.
 - (b) Manufactured, or otherwise advanced in value or condition, twenty per centum ad valorem.

CLASS XII. — INSTRUMENTS, APPARATUS, MACHINERY, VEHICLES, AND BOATS.

GROUP 1. — MUSICAL INSTRUMENTS, WATCHES, AND CLOCKS.

182. Musical instruments, and parts, appurtenances, and accessories therefor, including strings and wires, automatic devices for the production of music only, piano stools, metronomes, tuning hammers, tuning forks, pitch pipes, and similar articles for use in connection therewith not otherwise provided for, twenty-five per centum ad valorem.
183. Instruments and machines combining other mechanical operations with the production of music, such as slot machines of that character, phonographs, gramophones, graphophones, and similar apparatus; kinetoscopes, biographs, cinematographs, magic lanterns, and similar picture-projecting devices, not otherwise provided for, and parts, appurtenances, and accessories for any of the foregoing, thirty-five per centum ad valorem.
184. Clocks, chronometers, watches, cyclometers, pedometers, odometers, and similar devices, and cases, crystals, movements, parts, and accessories for any of the foregoing not otherwise provided for, twenty-five per centum ad valorem.

GROUP 2. — APPARATUS AND MACHINERY.

185. Typewriters, mimeographs, Roneos, and other writing, duplicating, and manifolding machines and devices, adding machines, comtographs, and other computing apparatus, fare registers, and detached parts for any of the foregoing, including ribbons, pads, stencil sheets, mimeograph silks, and similar accessories therefor, and stamp pads, fifteen per centum ad valorem.
186. Cash registers, and detached parts therefor, twenty-five per centum ad valorem.
187. Sewing machines, and detached parts therefor (except needles), fifteen per centum ad valorem.
188. Automatic slot machines, not otherwise provided for, and detached parts therefor (subject to the provisions of section three of this Act), thirty-five per centum ad valorem.
189. Machinery and apparatus for weighing, and detached parts therefor, not otherwise provided for, twenty per centum ad valorem.
190. Electric and electro-technical machinery, apparatus, and appliances:
- (a) Dynamos, generators, generating sets, alternators, motors, and similar machinery, not otherwise provided for, transformers and storage batteries, switchboards and switches, arc lamps, telephone and telegraph instruments, fans, buzzers, and annunciators, ammeters, voltmeters, wattmeters, and similar measuring apparatus, dry and wet batteries, and detached parts for any of the foregoing, and articles used exclusively in the installation thereof, insulators, and insulating compounds and materials used exclusively for electrical purposes, carbon, and incandescent bulbs and tubes, ten per centum ad valorem.

- (b) Cooking and heating apparatus and utensils, chandeliers, desk and table lamps, flatirons, soldering and curling irons, thermocauteries and cauterizing instruments, surgical, dental, and therapeutic appliances, including so-called electric belts, X-ray machines, vibratory apparatus, electroplating outfits, cigar lighters, other instruments, implements, utensils, and articles used in connection with, for, or by the application or production of electrotechnical, thermoelectric, galvanic, or galvanomagnetic force, and detached parts for any of the foregoing, not otherwise provided for, twenty per centum ad valorem.
191. Engines, tenders, motors, steam boilers, pumps, and machinery; diving suits; common tools, implements and apparatus; detached parts therefor; not otherwise provided for; shafting and gearing:
- (a) Of iron, steel, or wood, fifteen per centum ad valorem.
- (b) Of other materials; emery cloth; twenty per centum ad valorem.
192. Machine belting of whatever material, ten per centum ad valorem.
193. Fine tools, implements, and instruments, of whatever material, used in the arts, trades, and professions, such as measuring instruments, micrometric gauges, mathematical and drawing instruments, manicure instruments (not pocket cutlery), watchmakers', jewelers', surgeons', dentists', engravers', carvers', glass cutting, and similar tools, instruments, and implements, any of the foregoing and detached parts therefor not otherwise provided for, twenty per centum ad valorem.

GROUP 3. — VEHICLES.

194. Wagons and carts for transporting merchandise, warehouse trucks, hand carts and wheelbarrows, any of the foregoing and detached parts therefor not otherwise provided for, fifteen per centum ad valorem.
195. Automobiles:
- (a) For the transportation of merchandise, fifteen per centum ad valorem.
- (b) Other, twenty per centum ad valorem.
- (c) Detached parts and accessories for automobiles, including tires, lamps, and horns, twenty-five per centum ad valorem.
196. Bicycles, velocipedes, and motor cycles, detached parts and accessories therefor, including tires and lamps, twenty per centum ad valorem.
197. Vehicles for use on railways and tramways, and detached parts thereof, ten per centum ad valorem.
198. Other wheeled vehicles including perambulators, and aerial machines and balloons, any of the foregoing and detached parts therefor, not otherwise provided for, twenty per centum ad valorem.
199. Detached wooden parts for any of the articles classified under paragraph one hundred and ninety-four or paragraph one hundred and ninety-eight:
- (a) Unfinished, fifteen per centum ad valorem.
- (b) Finished, twenty per centum ad valorem.

GROUP 4. — BOATS AND OTHER WATER CRAFT.

200. Boats, launches, lighters, and other water craft, set up or knocked down, imported into the Philippine Islands, and cost of repairs made in foreign countries to vessels, or to parts thereof, documented for the

Philippine coastwise trade or plying exclusively in Philippine waters and for which repairs adequate facilities are afforded in the Philippine Islands, fifty per centum ad valorem.

Provided, That upon proof satisfactory to the collector of customs that adequate facilities are not afforded in the Philippine Islands for such repairs, the same shall be subject to the provisions of paragraph three hundred and forty-eight of this Act; and

Provided further, That if the owner or master of such vessel shall furnish evidence satisfactory to the collector of customs that such vessel while in the regular course of her voyage was compelled by stress of weather or other casualty to put into a foreign port or place and make such repairs to secure the safety of the vessel or to enable her to return to the Philippine Islands, such duty shall not be imposed; and

Provided further, That furnishings, stores, and supplies, not otherwise provided for, purchased abroad and imported in such vessels shall be dutiable under the corresponding paragraphs of this Act.

The expression "imported into the Philippine Islands" shall be held to mean "brought into the jurisdictional waters of the Philippine Islands in or on another vessel, or towed therein by another vessel (except when becalmed or disabled at sea), as distinguished from coming into said islands under the craft's own steam, sail, or other motive power."

CLASS XIII. — ALIMENTARY SUBSTANCES.

GROUP 1. — POULTRY, MEATS, SOUPS, AND FISH.

201. Poultry and game, not otherwise provided for, dressed or not, gross weight, one hundred kilos., four dollars.
202. Meat, fresh, not otherwise provided for, gross weight, one hundred kilos., one dollar.
203. Meat and sausage casings, salted or in brine, gross weight, one hundred kilos., two dollars and fifty cents.
204. Hams, bacon and other meats, and sausages, dry, cured, or smoked, not preserved in cans, including weight of immediate containers, one hundred kilos., four dollars and fifty cents.
Provided, That sausages classified under this paragraph may be imported in any kind of package exceeding in weight ten kilos. each; and
Provided further, That salt used for the packing of any article classified under this paragraph shall be dutiable under clause (c) of paragraph seventy-two.
205. Lard and imitations thereof, gross weight, one hundred kilos., two dollars and fifty cents.
206. Canned or potted meats, such as beef, veal, mutton, lamb, pork, ham, and bacon, plainly prepared and simply preserved, not otherwise provided for, common preparations thereof, with or without vegetables or other simple ingredients, including Irish stew, corned-beef hash, chili con carne, hog and hominy, dry chipped beef, and the like, fifteen per centum ad valorem.
207. Internal parts of animals, including tongue, liver, and tripe; rabbits; poultry; ordinary preparations thereof, canned or potted; sausages not otherwise provided for; twenty per centum ad valorem.
208. Canned or potted game; paté de foie gras; deviled ham, meats or game; mincemeat, meat patés, jellied lambs' and sheep's tongues, boneless pigs'

- feet, sweetbreads, brains, and similar products of delicatessen class; preparations thereof; not otherwise provided for; twenty-five per centum ad valorem.
209. Canned or potted soups and broths, clam chowder, fifteen per centum ad valorem.
210. Meat extracts in any form, meat juice and soup tablets; condensed or concentrated soup preparations, dry or in paste; twenty-five per centum ad valorem.
211. Salted or dried codfish, gross weight, one hundred kilos., one dollar and sixty cents.
212. Fish, in cans, glass, or jars:
- (a) Cod, herring, mullet, haddock, salmon, and mackerel, plainly prepared and simply preserved, sardines in oil or tomato sauce, fifteen per centum ad valorem.
 - (b) Other common preserved fish, shell-fish, and sea food, not otherwise provided for, twenty per centum ad valorem.
 - (c) Fish, shellfish, sea food, and preparations thereof, including anchovies, merluza, angulas, awabi, sardines not otherwise provided for, lampreys, whiting, turtle, fish roe, eels in jelly, sharks' fins in any form, shrimp, bloater and fish pastes and butters, and similar products of delicatessen class, twenty-five per centum ad valorem.
213. Fish, not otherwise provided for:
- (a) Fresh, with only the salt indispensable for preservation, gross weight, one hundred kilos., two dollars and ninety cents.
 - (b) Dried, salted, smoked, or pickled, in bulk, gross weight, one hundred kilos., two dollars and twenty-five cents.
214. Oysters, clams, and shellfish, in bulk, not otherwise provided for, and fresh oysters in cans, gross weight, one hundred kilos., five dollars.

GROUP 2. — GRAINS, SEEDS, FORAGE, CEREALS, AND PREPARATIONS THEREOF.

215. Rice, gross weight (until May first, nineteen hundred and ten):

- (a) Unhusked, one hundred kilos., sixty cents.

- (b) Husked, one hundred kilos., one dollar.

- (c) Flour, one hundred kilos., two dollars.

On and after May first, nineteen hundred and ten:

- (a) Unhusked, one hundred kilos., eighty cents.

- (b) Husked, one hundred kilos., one dollar and twenty cents.

- (c) Flour, one hundred kilos., two dollars.

Provided, That the Governor-General, by and with the advice and consent of the Philippine Commission, may, in his discretion, continue in force the rates of duty first prescribed in this paragraph, until in his judgment, conditions in the Philippine Islands may warrant the imposition of the higher rates herein prescribed; and

Provided further, That the Governor-General, by and with the advice and consent of the Philippine Commission, may suspend all duties upon rice or the duties upon rice for consumption in particular localities, to be designated by him, whenever and for such period, as in his judgment, local conditions require, in which event rice admitted free by virtue of his order shall be

distributed under governmental supervision or in accordance with such regulations as he may prescribe.

216. Wheat, rye, and barley, gross weight:
 - (a) In grain, one hundred kilos., twenty-five cents.
 - (b) In flour, one hundred kilos., forty-seven cents.
217. Corn (maize), oats, and millet, and cereals and grains not otherwise provided for, gross weight:
 - (a) In grain, one hundred kilos., seventeen cents.
 - (b) In meal or flour, not otherwise provided for, one hundred kilos., eighty-three cents.
218. Cereals prepared for table use, such as oatmeal, corn meal, cracked wheat, cornstarch, and similar preparations, not otherwise provided for, ten per centum ad valorem.
219. Malted milk, infants' foods, and similar preparations, fifteen per centum ad valorem.
220. Bread, biscuit, crackers, and wafers, of flour of cereals or pulse, including weight of immediate containers:
 - (a) Unsweetened, one hundred kilos., three dollars.
 - (b) Sweetened, one hundred kilos., five dollars.
221. Cakes and puddings, twenty-five per centum ad valorem.
222. Vermicelli, macaroni, and pastes for soup, not otherwise provided for, including weight of immediate containers, one hundred kilos., two dollars and fifty cents.
223. Birds' nests, edible, thirty per centum ad valorem.
224. Seeds, not otherwise provided for, gross weight, one hundred kilos., one dollar.
225. Hay, bran, forage, straw, not otherwise provided for, seeds and unhusked grains, cracked, or otherwise prepared for animal food, and oil cake, five per centum ad valorem.

GROUP 3. — PULSE, VEGETABLES, FRUITS, AND NUTS.

226. Dried beans, pease, and other pulse:
 - (a) In bulk, gross weight, one hundred kilos., eighty cents.
 - (b) In small or retail packages, including weight of immediate containers, one hundred kilos., two dollars and sixty-five cents.
 - (c) In flour, gross weight, one hundred kilos., one dollar and fifty cents.
227. Vegetables, fresh (except onions and Irish potatoes), gross weight, one hundred kilos., one dollar.
228. Vegetables, dried or desiccated, not otherwise provided for:
 - (a) In bulk, gross weight, one hundred kilos., one dollar and thirty cents.
 - (b) In small or retail packages, including weight of immediate containers, one hundred kilos., two dollars and twenty-five cents.
229. Vegetables, preserved, not otherwise provided for:
 - (a) In bulk, gross weight, one hundred kilos., one dollar.
 - (b) In small or retail packages, including weight of immediate containers, one hundred kilos., one dollar and fifty cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than fifteen per centum ad valorem.
230. Vegetables, pickled:

- (a) In bulk, gross weight, one hundred kilos., one dollar and fifty cents.
- (b) In small or retail packages, including weight of immediate containers, kilo., three cents.
Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than fifteen per centum ad valorem.
- 231. Fruits, fresh, gross weight, one hundred kilos., one dollar and twenty-five cents.
- 232. Fruits, dried:
 - (a) In bulk, gross weight, one hundred kilos., one dollar and fifty cents.
 - (b) In small or retail packages, including weight of immediate containers, one hundred kilos., two dollars and fifty cents.
Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than fifteen per centum ad valorem.
- 233. Fruits, preserved, not otherwise provided for:
 - (a) In bulk, gross weight, one hundred kilos., one dollar and fifty cents.
 - (b) In small or retail packages, including weight of immediate containers, one hundred kilos., two dollars.
Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than fifteen per centum ad valorem.
- 234. Fruits, in jellies, jams, marmalades, butters, and similar preparations, and fruit pulp, twenty per centum ad valorem.
- 235. Fruits, brandied, or similarly preserved, and fruits conserved or crystallized, fifty per centum ad valorem.
- 236. Nuts and nut products, not otherwise provided for, twenty-five per centum ad valorem.

GROUP 4. — SUGAR, MOLASSES, GLUCOSE, AND CONFECTIONARY.

- 237. Sugar:
 - (a) Raw, gross weight, one hundred kilos., three dollars and seventy-two cents.
 - (b) Refined, including weight of immediate containers, one hundred kilos., four dollars and twenty-two cents.
- 238. Molasses and sirups, not otherwise provided for, and honey:
 - (a) In bulk, gross weight, one hundred kilos., two dollars.
 - (b) In small or retail packages, including weight of immediate containers, one hundred kilos., three dollars.
- 239. Glucose, gross weight, one hundred kilos., one dollar and sixty cents.
- 240. Saccharine, including weight of immediate containers, kilo., two dollars.
- 241. Candies, confectionery, sweetmeats, chewing gum, not otherwise provided for, twenty-five per centum ad valorem.

GROUP 5. — COFFEE, TEA, CACAO, SPICES, SAUCES, CONDIMENTS, AND FLAVORING EXTRACTS.

- 242. Coffee:
 - (a) Unroasted, gross weight, one hundred kilos., five dollars and thirty cents.

- (b) Roasted, ground or not, gross weight, one hundred kilos., seven dollars.
- (c) In packages weighing each less than three kilos., including weight of immediate containers, one hundred kilos., nine dollars.
- 243. Chicory, gross weight, one hundred kilos., four dollars and twenty cents.
- 244. Tea, including weight of immediate containers, kilo., fifteen cents.
- 245. Cacao:
 - (a) Unground, gross weight, one hundred kilos., seven dollars and twenty cents.
 - (b) Other, and cacao butter, including weight of immediate containers, one hundred kilos., twelve dollars and fifty cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.
- 246. Chocolate, including weight of immediate containers:
 - (a) In forms or lumps for manufacturing purposes, one hundred kilos., ten dollars.
 - (b) In cakes or powder, kilo., fifteen cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.
- 247. Cinnamon, cloves, allspice, and mace, including weight of immediate containers:
 - (a) Unground, one hundred kilos., eight dollars.
 - (b) Ground, one hundred kilos., ten dollars.
- 248. Nutmegs, including weight of immediate containers:
 - (a) Unhusked, kilo., three cents.
 - (b) Husked, kilo., five cents.
 - (c) Ground, kilo., eight cents.
- 249. Pepper, white or black, and pod peppers, dried, including weight of immediate containers:
 - (a) Whole, one hundred kilos., two dollars and twenty cents.
 - (b) Ground, kilo., eight cents.
- 250. Mustard and horse-radish, including weight of immediate containers:
 - (a) Unground, kilo., two cents.
 - (b) Ground, kilo., six cents.
 - (c) In paste, kilo., ten cents.
- 251. Saffron, including weight of immediate containers, kilo., four dollars.
- 252. Spices, not otherwise provided for, including weight of immediate containers:
 - (a) Unground, one hundred kilos., eight dollars.
 - (b) Ground, and curry powder, one hundred kilos., ten dollars.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.
- 253. Sauces for table use, not otherwise provided for, such as tomato, caper, tobasco, Worcestershire, catsup, and like preparations, twenty-five per centum ad valorem.
- 254. Vinegar:
 - (a) In receptacles containing each more than two liters, liter, two cents.
 - (b) In other receptacles, liter, three cents.

255. Flavoring extracts, compounds, and sirups, including weight of immediate containers:

(a) Without alcohol or containing not to exceed fourteen per centum of alcohol, kilo., twenty-five cents.

(b) Containing more than fourteen per centum of alcohol, kilo., thirty-five cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than fifty per centum ad valorem.

256. Vanilla beans, including weight of immediate containers, kilo., two dollars and fifty cents.

GROUP 6. — SPIRITS, WINES, MALT, AND OTHER BEVERAGES.

For the purpose of assessment under those paragraphs in which the proof liter is the basis, each and every gauge or wine liter of measurement shall be counted as at least one proof liter. All imitations of whisky, rum, gin, brandy, spirits, or wines, imported by or under any names whatsoever shall be subjected to the highest rate of duty provided for the genuine articles respectively intended to be represented, with a surtax of fifty per centum.

257. Alcohol, proof liter, fifty cents.

258. Whisky, rum, gin, brandy, and other spirits not otherwise provided for, proof liter, fifty cents.

259. Blackberry and ginger brandy, proof liter, thirty cents.

260. Cocktails, liqueurs, cordials, and other compounded spirituous beverages and bitters, not otherwise provided for, proof liter, sixty-five cents.

261. Wines, sparkling, liter, one dollar.

262. Still wines, vermouth, and sake, containing fourteen per centum or less of alcohol:

(a) In receptacles containing each more than two liters, liter, two cents.

(b) In receptacles containing each two liters or less, liter, seven and one-half cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than forty per centum ad valorem.

263. Still wines, vermouth, and sake, containing more than fourteen per centum of alcohol:

(a) In receptacles containing each more than two liters, liter, fifteen cents.

(b) In receptacles containing each two liters or less, liter, twenty-five cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than fifty per centum ad valorem; and

Provided further, That any of such articles containing more than twenty-four per centum of alcohol shall be classified under paragraph two hundred and sixty.

264. Malt beverages, and ciders:

(a) In receptacles containing each more than two liters, hectol, three dollars and forty cents.

(b) In other receptacles, hectol., four dollars and ninety cents.

265. Sweetened, flavored, or aerated waters, natural mineral waters aerated or not, ginger ale, root beer, unfermented fruit juice, and nonalcoholic

beverages, not otherwise provided for, hectol., one dollar and fifty cents.

266. Fruit juice, pure or with sufficient sugar to preserve it, without alcohol or containing not more than four per centum of alcohol, liter, five cents.

GROUP 7. — VARIOUS.

267. Milks and creams, pure, or with sufficient sugar to preserve them, ten per centum ad valorem.
268. Milks and creams, compounded with other substances, milk powders and tablets, any of the foregoing not otherwise provided for, twenty per centum ad valorem.
269. Eggs, not otherwise provided for:
- (a) Fresh or preserved, in natural form, gross weight, one hundred kilos., one dollar.
 - (b) Egg powders, and other preparations of eggs, not otherwise provided for, twenty-five per centum ad valorem.
270. Cheese of all kinds and imitations thereof, fifteen per centum ad valorem.
271. Butter, including weight of immediate containers, kilo., six cents.
272. Oleomargarine, butterine, ghee, and imitations of butter, including weight of immediate containers, kilo., eight cents.
273. Articles and products edible by mankind, not otherwise provided for:
- (a) Crude and in natural state, ten per centum ad valorem.
 - (b) Prepared, preserved, or advanced in value or condition by any process or manufacture, twenty per centum ad valorem.

CLASS XIV. — MISCELLANEOUS.

274. Fans, of all kinds, thirty-five per centum ad valorem.
275. Pens, not otherwise provided for, needles (except surgical needles), common and safety pins, hooks and eyes, button rings and fasteners, crochet hooks, and hairpins, any of the foregoing of common metals (except those covered or coated with gold or silver), twenty-five per centum ad valorem.
276. Trinkets and ornaments of all kinds (except those of gold or silver, or of gold or silver plate, or in which the component material of chief value is amber, jet, jade, tortoise shell, coral, ivory, meerschaum, or mother-of-pearl), including weight of immediate containers, kilo., one dollar and twenty-five cents.
- Provided, That no article classified under this paragraph shall pay a less rate of duty than thirty per centum ad valorem.*
277. Amber, jet, tortoise shell, coral, ivory, meerschaum, and mother-of-pearl:
- (a) Unwrought, or cut for settings or pierced for beads, fifteen per centum ad valorem.
 - (b) Wrought, not otherwise provided for, thirty-five per centum ad valorem.
278. Horn, bone, whalebone, celluloid, and imitations of any of the foregoing, or of any of the substances enumerated in paragraph two hundred and seventy-seven, including weight of immediate containers:
- (a) Unwrought, kilo., thirty cents.
 - (b) Wrought, not otherwise provided for, kilo., one dollar and twenty-five cents.

Provided, That no article classified under clause (b) of this paragraph shall pay a less rate of duty than thirty per centum ad valorem.

279. Artificial teeth, with plates or not, artificial eyes, artificial limbs and members, and similar articles for the alleviation of the inconveniences resulting from physical defects, ten per centum ad valorem.

280. Buttons, including weight of immediate containers:

(a) Of mother-of-pearl, kilo., one dollar and fifty cents.

(b) Of bone, porcelain, composition, wood, steel, iron, or similar materials, kilo., thirty cents.

(c) Of other materials (except gold, silver, or platinum, or gold or silver plate), kilo., fifty cents.

Provided, That no article classified under clause (a) of this paragraph shall pay a less rate of duty than fifty per centum ad valorem: *And provided further*, That no article classified under clause (b) or (c) of this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

281. Shells, not otherwise provided for:

(a) Not further advanced in condition than polished, ten per centum ad valorem.

(b) Further advanced, manufactures in which shells, not otherwise provided for, are the component material of chief value, twenty-five per centum ad valorem.

282. Sponges, natural, including hexactinellida and loofah:

(a) Not further advanced in condition than washed or bleached, twenty-five per centum ad valorem.

(b) Further advanced, manufactures in which sponge or loofah is the component material of chief value, forty per centum ad valorem.

283. Felt or textiles prepared or coated with tar, pitch, or similar substances, rubberoid, and similar materials, for roofing, sheathing, and structural purposes, gross weight, one hundred kilos., ninety cents.

284. Oilcloth (except of silk), linoleum, corticine:

(a) In the piece, fifteen per centum ad valorem.

(b) Made up into articles, twenty-five per centum ad valorem.

285. Tool bags, chests, and cases; trunks, valises, suit cases, traveling bags, "telescopes," hat boxes, and similar receptacles for personal effects, and shawls straps; of whatever material; twenty-five per centum ad valorem.

286. Stuffed or mounted birds or animals, not otherwise provided for, twenty per centum ad valorem.

287. Feathers for ornaments, stuffed birds or animals or parts thereof for use on wearing apparel or for toilet purposes, natural, finished, or manufactured, sixty per centum ad valorem.

288. Feathers and downs, not otherwise provided for:

(a) Not further advanced in condition than cleaned, twenty per centum ad valorem.

(b) Further advanced, and manufactures in which feathers or downs are the component material of chief value, forty per centum ad valorem.

289. Artificial flowers, buds, pistils, leaves, fruits, seeds, and moss, and other parts of artificial fruits and flowers, of whatever material, fifty per centum ad valorem.

290. Caoutchouc and gutta-percha:

- (a) Crude, and rubber, in sheets, sheeting, or packing, even with cloth or wire insertions, and gaskets and washers, ten per centum ad valorem.
- (b) Rubber, soft, in articles not otherwise provided for, twenty-five per centum ad valorem.
- (c) Rubber, hard, in articles not otherwise provided for, thirty per centum ad valorem.

291. Hose and flexible tubing, of whatever dimensions or materials, fifteen per centum ad valorem.

292. Reservoir pens, and parts and points therefor, of whatever material, twenty-five per centum ad valorem.

293. Games and toys, including face masks, paper hats and canes, artificial Christmas trees, Christmas-tree decorations, toy carts, and other small vehicles for children's use not otherwise provided for, and diminutive articles for use as toys, not adapted for practical purposes, including weight of immediate containers, kilo., ten cents.

Provided, That no article of gold, silver, or platinum, or of gold or silver plate, or of tortoise shell, coral, ivory, or mother-of-pearl shall be classified under this paragraph; and

Provided further, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

294. Golf sticks, polo mallets, tennis rackets, baseball and cricket bats, balls of all kinds for use in the sports (except bowling, billiard, pool, and bagatelle balls), fencing masks and foils, gymnasium apparatus, and croquet sets, and parts of any of the foregoing, twenty-five per centum ad valorem.

295. Umbrellas and parasols:

- (a) Covered with paper, each, eight cents.
- (b) Covered with silk, each, fifty cents.
- (c) Covered with other stuffs, each, twenty cents.
- (d) Umbrella frames complete, uncovered, whether mounted on tubes or sticks or not, forty per centum ad valorem.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

296. Hats, bonnets, and crowns therefor, of straw, chip, palm leaf, grass, rattan, osiers, and analogous materials:

- (a) Complete, not trimmed, each, thirteen cents.
- (b) The same, trimmed, each, twenty-two cents.
- (c) Crowns for, each, eleven cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

297. The same, of other materials:

- (a) Complete, not trimmed, each, twelve cents.
- (b) The same, trimmed, each, twenty cents.
- (c) Crowns for, each, eleven cents.

Provided, That no article classified under this paragraph shall pay a less rate of duty than twenty-five per centum ad valorem.

298. Caps, fezzes, turbans and headgear not otherwise provided for, thirty per centum ad valorem.

299. Cameras and parts thereof, photographic equipment and articles for use in photography not otherwise provided for, including lenses, tripods, photographic plates and films, film packs and kits, plate holders and frames, developing lights, baths, and trays, twenty per centum ad valorem.
300. Appliances and apparatus, parts and cases therefor and accessories thereto, not otherwise provided for, for mathematical, optical, astronomical, surgical, geodetical, and other scientific purposes, including thermometers, barometers, alcoholometers, salmometers, hydrometers, vacuometers, radiometers, appliances for sight testing, microtomes, telescopes, microscopes and their slide glasses, stethoscopes, theodolites, transits, sextants, quadrants, compasses, and the like, twenty-five per centum ad valorem.
301. Tobacco:
- (a) Leaf tobacco of any kind, unstemmed, kilo., four dollars and eight cents.
 - (b) Leaf tobacco of any kind, stemmed, kilo., five dollars and fifty-two cents.
 - (c) Cigars, cigarettes, and cheroots, of all kinds, kilo., nine dollars and ninety-three cents and twenty-five per centum ad valorem, and paper cigars, and cigarettes, including their wrappers, shall be dutiable under this clause.
 - (d) Other tobacco, manufactured or unmanufactured, not otherwise provided for, kilo., one dollar and twenty-five cents.
302. Wastes, not otherwise provided for, ten per centum ad valorem.
303. Materials, substances, and articles not otherwise provided for —
- (a) Not advanced in value or condition by any process or manufacture, ten per centum ad valorem.
 - (b) Further advanced, but not manufactured into articles, fifteen per centum ad valorem.
 - (c) Manufactured into articles, twenty-five per centum ad valorem.
304. Cost of repairs upon articles of easy identification (except those provided for in paragraph two hundred), exported from the Philippine Islands and reimported therein, twenty-five per centum ad valorem.
- Provided*, That any such article, exclusive of the repairs thereon, shall be free of duty when reimported, upon compliance with the regulations of the insular collector of customs governing such exportations and reimportations, otherwise the terms of section eight shall apply.

FREE LIST.

SEC. 9. That the following articles shall be free of duty upon importation thereof into the Philippine Islands:

305. Trees, shoots, plants, moss, live.
306. Ores, and scoræ resulting from the smelting thereof, filings, cuttings, and other wastes, of common metals, resulting from manufacture, and fit only for resmelting, and scrap iron, copper, brass, tin, zinc, and lead, and combinations thereof, bell metal, copper regulus, copper matte, cast or malleable iron in pigs, soft or wrought iron in ingots, and steel in ingots, and tin, lead, zinc, nickel, and aluminum, in pigs, lumps, or ingots, and Muntz metal.
307. Articles, including anchors, binnacles, propellers, and the like, the character of which, as imported, prevents their use for other purposes than the construction, equipment, or repair of vessels, and life-preservers and life buoys.

- 308. Oakum.
- 309. Raw cotton.
- 310. Vegetable fibers, raw or hackled, not otherwise provided for.
- 311. Bristles, animal hair and wool, not further advanced in condition than washed.
- 312. Paper pulp and paper stock.
- 313. Samples of the kind, in such quantity and of such dimensions or construction as to render them unsalable or of no appreciable commercial value, and models not adapted for practical use.
- 314. Onions, Irish potatoes, in natural state.
- 315. Gold, silver, platinum, in bars, sheets, pieces, dust, scrap, or in broken-up jewelry or table service.
- 316. Hides and skins, raw, green or dry, but not tanned.
- 317. Hops and malt.
- 318. Coins and currency of national issue, executed checks, drafts, bills of exchange, and similar commercial documents.
- 319. Natural manures.
- 320. Cinchona bark, sulphate and bisulphate of quinine, alkaloids and salts of cinchona bark, in whatever form.
- 321. Telegraph cables of the class known as submarine.
- 322. Vaccines and serums.
- 323. Ice.
- 324. Hand paintings in oil, water color, or pastel, pen and ink drawings, for use as works of art and not as a decoration of merchandise, nor for use in manufacture or the industrial arts and sciences, photographs, paintings, crayons, and other pictorial representations of actual persons, either living or deceased.
- 325. Lithographs, posters, calendars, and signs, whether framed (when the frame bears sufficient advertising matter to render it of no commercial value), or not, and pamphlets, booklets, and folders, for advertising purposes only, and having no commercial value.
Provided, That store, office, and business signs, used for advertising local business houses, firms, offices, associations, corporations, trades, or professions, shall not be classified under this paragraph.
- 326. Magazines, reviews, newspapers, and like published periodicals, Bibles and extracts therefrom, hymnals and hymns for religious uses, books and music in raised print used exclusively by the blind, and text-books prescribed for use in any school in the Philippine Islands: *Provided*, That complete books published in parts in periodical form shall not be classified under this paragraph.
- 327. Public documents issued by foreign governments, correspondence, manuscripts, and typewritten documents, not prohibited by section three of this Act, and collections of stamps of national issue, used or unused.
- 328. Medals, badges, cups, and other small articles actually bestowed as trophies or prizes, or those received or accepted as honorary distinctions.
- 329. Pipe organs imported for the bona fide use of and by the order of any society incorporated or established for religious or educational purposes, or expressly for presentation thereto: *Provided*, That the terms of this paragraph shall be retroactive and of full force and effect from and after January first, nineteen hundred and nine, anything in this Act to the contrary notwithstanding: *And provided further*, That any duty paid upon any pipe organ so imported since said date shall be subject to refund.

FREE, SUBJECT TO EXPRESS CONDITIONS.

SEC. 10. That the following articles shall be free of duty upon the importation thereof into the Philippine Islands upon compliance with the formalities prescribed in each paragraph:

330. Eggs and cocoons of the silkworm, subject to exclusion if diseased, or for other cause.
331. Breeding animals of a recognized breed, duly registered in the book of record established for that breed: *Provided*, That certificate of such record, and pedigree of such animal duly authenticated by the proper custodian of such book of record, shall be produced and submitted to the collector of customs, together with affidavit of the owner or importer, that such animal is the identical animal described in said certificate of record and pedigree.
332. Carabao and other bovine work animals, and mules, until such time as the Governor-General shall certify that conditions in the Philippine Islands warrant the imposition of duty thereon in accordance with the rates prescribed in Group One of Class Eleven of this Act.
333. Commercial samples, the value of any single importation of which does not exceed five thousand dollars, upon the filing of a bond in an amount equal to double the ascertained duties thereon, with sureties satisfactory to the collector of customs, conditioned for the exportation of said samples within six months from the date of their importation, or in default thereof the payment of the corresponding duties thereon. If the value of any single consignment of such commercial samples exceeds five thousand dollars, the importer thereof may select any portion of same not exceeding in value five thousand dollars for entry under the provisions of this paragraph, and the remainder of the consignment may be entered in bond, or for consumption, as the importer shall elect.
334. Regalia, gems, statuary, specimens or casts of sculptures, imported for the bona fide use of and by the order of any society incorporated or established solely for religious, philosophical, educational, scientific, or literary purposes, or for the encouragement of the fine arts, or for the use of and by the order of any college, academy, school, or seminary of learning, or of any public library, not for barter, sale, or hire: *Provided*, That the term "regalia" shall be held to include only such insignia of rank or office or emblems as may be worn upon the person or borne in the hand during public exercises of the society or institution; and shall not include articles of furniture, fixtures, or ordinary wearing apparel, nor personal property of individuals.
335. Works of art, including pictorial paintings on glass (except stained windows or window glass), imported expressly for presentation to a governmental institution, or to any municipal or provincial corporation, or to any incorporated or established religious society, college, or other public institution.
336. Wearing apparel, articles of personal adornment, toilet articles, books, portable tools and instruments, theatrical costumes, and similar personal effects, accompanying travelers or tourists in their baggage or arriving within a reasonable time, in the discretion of the collector of customs, before or after the owners, in use of and necessary and appropriate for the wear or use of such persons according to their profession or position for the immediate purposes of their journey and their present comfort and convenience: *Provided*, That this exemption shall not be

held to apply to merchandise or articles intended for other persons or for barter or sale: *And provided further*, That the collector of customs may, in his discretion, require a bond for the exportation of or the payment of duties upon articles classified under this paragraph within the time and in the manner prescribed by paragraph three hundred and thirty-seven.

337. Vehicles, horses, harness, bed and table linen, table service, furniture, musical instruments, and personal effects of like character, owned and imported by travelers or tourists for their convenience and comfort, upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon, within four months from the date of entry: *Provided*, That the collector of customs may extend the time for exportation or payment of duties for a term not exceeding three months from the expiration of the original period.
338. Professional instruments and implements, tools of trade, occupation, or employment, wearing apparel, domestic animals, and personal and household effects, including those of the kind and class provided for under paragraphs three hundred and thirty-six and three hundred and thirty-seven, belonging to persons coming to settle in the Philippine Islands, in quantities and of the class suitable to the profession, rank, or position of the person importing them, for their own use and not for barter or sale, accompanying such persons or arriving within a reasonable time, in the discretion of the collector of customs, before or after the arrival of their owners, upon the production of evidence satisfactory to the collector of customs that such persons are actually coming to settle in the Philippine Islands, that the articles are brought from their former place of abode, that change of residence is bona fide, and that the privilege of free entry under this paragraph has never been previously granted to them: *Provided*, That neither merchandise of any kind, nor machinery or other articles for use in manufacture, shall be classified under this paragraph: *And provided further*, That officers and employees of the United States Government or of the government of the Philippine Islands, or religious missionaries taking station in the islands shall be considered as "coming to settle" for the purposes of this paragraph.
339. Vehicles, animals, birds, insects, and fish, portable theaters, circus and theatrical equipment, including sceneries, properties, and apparel, devices for projecting pictures and parts and appurtenances therefor, panoramas, wax figures, and similar objects for public entertainment, upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within the time and in the manner prescribed by paragraph three hundred and thirty-seven.
340. Personal effects, not merchandise, of residents of the Philippine Islands dying in foreign countries, upon identification as such, satisfactory to the collector of customs.
341. Works of fine art for public museums and galleries, or for art schools, models, archaeological and numismatic objects, specimens and collections of mineralogy, botany, zoology, and ethnology, including skeletons, fossils, and other anatomical specimens for schools, academies, public

- museums, and corporations and societies organized for scientific or artistic purposes, on proof satisfactory to the collector of customs of their destination.
342. Official consular supplies consigned by a foreign government of which the consignee is the consular representative in the Philippine Islands, to him as such official, in an amount and of the kind and class allowed free entry by said foreign government when consigned by the Government of the United States of America to its consular representatives within the jurisdiction of such foreign government.
343. Pumps for the salvage of vessels, upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within the time and in the manner prescribed by paragraph three hundred and thirty-seven.

FREE UPON COMPLIANCE WITH CORRESPONDING REGULATIONS.

SEC. 11. That the following articles shall be free of duty upon the importation thereof into the Philippine Islands upon compliance with regulations which shall be prescribed in accord with the provisions of each paragraph:

344. Wearing apparel, and household effects, including those articles provided for under paragraphs three hundred and thirty-six and three hundred and thirty-seven, belonging to residents of the Philippine Islands returning from abroad, which were exported from the said islands by such returning residents upon their departure therefrom or during their absence abroad, upon the identity of such articles being established to the satisfaction of the collector of customs, under such regulations as the insular collector of customs shall prescribe; articles of the same kind and class purchased in foreign countries by natives of the Philippine Islands during their absence abroad and accompanying them upon their return to said islands, or arriving within a reasonable time, in the discretion of the collector of customs, before or after their return, upon proof satisfactory to the collector of customs that the same have been in their use abroad for more than one year.
345. Foreign articles, goods, wares, or merchandise destined for display in public expositions in the Philippine Islands, and animals for exhibition or competition for prizes, together with the harness, vehicles, and tackle necessary for the purposes designated, subject to such rules, regulations, and conditions as shall be prescribed by the insular collector of customs with respect to bonding for exportation thereof or payment of duty thereon.
346. Philosophical, historical, economic, and scientific books, and apparatus, utensils, and instruments specially imported for the bona fide use of and by the order of any society or institution incorporated or established solely for philosophical, educational, scientific, charitable, or literary purposes, or for the encouragement of the fine arts, or for the bona fide use of and by the order of any college, academy, school, or seminary of learning in the Philippine Islands, or of any public library, and not for barter, sale or hire, subject to such regulations as shall be prescribed by the insular collector of customs.

The provisions of this paragraph in respect to books shall apply to any individual importing not exceeding two copies of any one work for his own use, and not for barter, sale, or hire.

347. Articles of the growth, produce, or manufacture of the Philippine Islands, paintings which are works of art, and books exported to foreign country and returned without having been advanced in value or improved in condition by any process of manufacture or other means, and upon which no drawback or bounty has been allowed, and articles returned from foreign expositions, subject to identification under such rules and regulations as the insular collector of customs shall prescribe.
348. Repairs to vessels documented in the Philippine Islands or regularly plying in Philippine waters, made in foreign countries, upon proof satisfactory to the collector of customs that adequate facilities for such repairs are not afforded in the Philippine Islands.
349. Articles and materials actually used in the construction, equipment, or repair within the Philippine Islands of vessels, their machinery, tackle, or apparel, subject to such restrictions, conditions, and regulations as the insular collector of customs shall prescribe.
350. Articles brought into the Philippine Islands for the purpose of having repairs made thereto, upon the filing of a bond with sureties satisfactory to the collector of customs, in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within a period of not to exceed six months from the date of importation thereof, in the discretion of the collector of customs, subject to such rules and regulations as the insular collector of customs shall prescribe.
351. Coverings and holdings of articles, goods, wares, and merchandise (usual), except as expressly provided.

SEC. 12. That all articles, except rice, the growth, product, or manufacture of the United States and its possessions to which the customs tariff in force in the United States is applied and upon which no drawback of customs duties has been allowed therein, going into the Philippine Islands shall hereafter be admitted therein free of customs duty when the same are shipped directly from the country of origin to the country of destination: *Provided*, That direct shipment shall include shipment in bond through foreign territory contiguous to the United States. Said articles shall be as originally packed without having been opened or in any manner changed in condition: *Provided, however*, That if such articles shall become unpacked while en route by accident, wreck, or other casualty, or so damaged as to necessitate their repacking, the same shall be admitted free of duty upon satisfactory proof that the unpacking occurred through accident, or necessity, and that the merchandise involved is the identical merchandise originally shipped from the United States, or its possessions as hereinbefore provided, and that its condition has not been changed except for such damage as may have been sustained.

EXPORT DUTIES.

SEC. 13. That upon the exportation to any foreign country from the Philippine Islands, or the shipment thereof to the United States or any of its possessions, of the following articles, there shall be levied, collected and paid thereon the following export duties: *Provided, however*, That all articles the growth and product of the Philippine Islands coming directly from said islands to the United States or any of its possessions for use and consumption therein, shall be exempt from any export duties imposed in the Philippine Islands:

352. Abaca (hemp), gross weight, one hundred kilos., seventy-five cents.

353. Sugar, gross weight, one hundred kilos., five cents.

354. Copra, gross weight, one hundred kilos., ten cents.

355. Tobacco, gross weight:

(a) Manufactured or unmanufactured, except as otherwise provided, one hundred kilos., one dollar and thirty cents.

(b) Stems, clippings, and other wastes of tobacco, one hundred kilos., fifty cents.

WHARFAGE.

SEC. 14. That there shall be levied and collected upon all articles, goods, wares, or merchandise, except coal, timber and cement, the product of the Philippine Islands, exported through ports of entry of the Philippine Islands, or shipped therefrom to the United States or any of its possessions, a duty of one dollar per gross ton of one thousand kilos., as a charge for wharfage, whatever be the port of destination or nationality of the exporting vessel: *Provided*, That articles, goods, wares, or merchandise imported, exported, or shipped in transit for the use of the Government of the United States, or of that of the Philippine Islands, shall be exempt from the charges prescribed in this section.

SEC. 15. That all articles, goods, wares, or merchandise imported into the Philippine Islands shall, for the purpose of this Act, be deemed and held to be the property of the person to whom the same may be consigned; but the holder of any bill of lading, drawn to order and indorsed by the consignor, shall be deemed the consignee thereof; and in case of the abandonment of any article, goods, wares, or merchandise to the underwriters, the latter may be recognized as the consignee.

INVOICES.

SEC. 16. That all invoices of imported articles, goods, wares, or merchandise shall state the true value thereof in the currency of the place or country from whence imported, or, if purchased, in the currency actually paid therefor, shall contain a correct description of such articles, goods, wares, or merchandise, with true numbers, weights, and quantities, in the tariff terms of this Act, and shall be made in quadruplicate and signed by the owner or shipper, if the merchandise has been actually purchased, or by the manufacturer or owner thereof, if the same has been procured otherwise than by purchase, or by the duly authorized agent of such purchaser, manufacturer, or owner.

SEC. 17. That except in case of personal effects accompanying a passenger as baggage, or arriving within a reasonable time before or after the owner, no importation of any articles, goods, wares, or merchandise, exceeding one hundred dollars in dutiable value, shall be admitted to entry without the production of a duly certified invoice of the kinds hereinafter described, or the filing of an affidavit made by the owner, importer, or consignee before the collector of customs, showing why it is impracticable to produce such invoice, together with a bond in an amount to be prescribed by, and with sureties satisfactory to, the collector of customs, for the production of such invoice within a reasonable time to be prescribed by said official. In the absence of such invoice, no entry shall be made upon the aforesaid affidavit unless the same be accompanied by a statement in the form of an invoice or otherwise, showing the actual cost of such merchandise if same was purchased, or if obtained otherwise than by purchase, the actual market value or wholesale price thereof at the time of exportation to the Philippine Islands in the principal markets of

the country from whence imported. This statement shall be verified by the oath of the owner, importer, consignee, or agent desiring to make the entry, taken before the collector of customs, and it shall be lawful for that official to examine the deponent under oath regarding the source of his knowledge, information, or belief, concerning any matter contained in his affidavit, and to require him to produce any correspondence, document, or statement of account in his possession, or under his control, which may assist the customs authorities in ascertaining the actual value of the importation or of any part thereof; and in default of such production when so required, such owner, importer, consignee, or agent shall be thereafter debarred from producing any such correspondence, document, or statement for the purpose of avoiding the imposition of additional duty, penalty, or forfeiture incurred under this or any other Act in force in the Philippine Islands, unless he shall show to the satisfaction of the court or the collector of customs, as the case may be, that it was not in his power to produce the same when so demanded; but no articles, goods, wares, or merchandise shall be admitted to entry under the provisions of this section unless the collector of customs shall be satisfied that the failure to produce the required invoice is due to causes beyond the control of the owner, importer, consignee, or agent.

SEC. 18. That invoices required by the preceding section shall, at or before the shipment of the merchandise, be produced to the consul, vice-consul, or commercial agent of the United States of the consular district in which the merchandise was manufactured or purchased, as the case may be, when importation into the Philippine Islands is from a country other than the United States of America or any territory or place under the jurisdiction and control of the Government thereof: *Provided*, That the insular collector of customs may, in his discretion, dispense with the requirement for the consular invoices prescribed in this section in case the merchandise for which entry is sought is free of duty under this Act, in which event a commercial invoice certified by the purchaser, manufacturer, seller, owner, or agent shall be filed: *And provided further*, That when the importation is from the United States of America or any territory or place under the jurisdiction and control of the Government thereof production shall be to a collector of customs, deputy collector of customs, or United States commissioner.

Invoices shall have indorsed thereon when produced as above prescribed a declaration signed by the purchaser, manufacturer, seller, owner, or agent setting forth that the invoice is in all respects correct and true and was made at the place from whence the merchandise is exported to the Philippine Islands; that it contains, if the merchandise was obtained by purchase, a true and full statement of the time when, the place where, the person from whom the same was purchased, and the actual cost thereof, and of all charges thereon; and that no discounts, bounties, or drawbacks are contained in the invoice except such as have been actually allowed thereon; and when obtained in any other manner than by purchase, the actual market value or wholesale price thereof, at the time of exportation to the Philippine Islands, in the principal markets of the country from which exported; that such actual market value is the price at which the merchandise described in the invoice is freely offered for sale to all purchasers in said markets, and that it is the price which the manufacturer, seller, owner, or agent making the declaration would have received and was willing to receive for such merchandise sold in the ordinary course of trade in the usual wholesale quantities, and that it included all charges thereon; that the numbers, weight, or quantity stated is correct, and that no invoice of the

merchandise described differing from the invoice so produced has been or will be furnished to anyone. If the merchandise was actually purchased, the declaration shall also contain a statement that the amount shown and the currency stated in such invoice is that which was actually paid for the merchandise by the purchaser. Said declaration shall be duly sworn to by the purchaser, manufacturer, owner, or agent before the officer to whom produced.

SEC. 19. That consuls, vice-consuls, commercial agents, collectors of customs, deputy collectors of customs, and commissioners of the United States of America having any knowledge or information of any case or practice by which any person obtaining verification of any invoice defrauds or may defraud the revenue of the Philippine Islands shall report the facts to the insular collector of customs.

SEC. 20. That United States Government vessels, whether transports of the army or naval vessels, when coming from the United States or a foreign port to the ports of the Philippine Islands, shall be subject to the same inspection by customs officers of the Philippine government, for the purpose of determining whether they have on board articles of merchandise dutiable under the laws of the Philippine Islands, as such United States Government vessels are subject to by customs officers of the United States Government when such vessels enter ports of the United States from foreign countries, for the purpose of determining whether such vessels have on board articles or merchandise dutiable under the laws of the United States.

DRAWBACKS.

SEC. 21. That on all fuel imported into the Philippine Islands which is afterwards used for the propulsion of vessels engaged in trade with foreign countries, or between ports of the United States and the Philippine Islands, or in the Philippine coastwise trade, a refund shall be allowed equal to the duty imposed by law upon such fuel, less one per centum thereof, which shall be paid under such rules and regulations as may be prescribed by the insular collector of customs.

SEC. 22. That upon the exportation of articles manufactured or produced in the Philippine Islands, including the packing, covering, putting up, marking, or labeling thereof, either in whole or in part of imported materials, or from similar domestic materials of equal quantity and productive manufacturing quality and value, such question to be determined by the insular collector of customs, there shall be allowed a drawback equal in amount to the duties paid on the imported materials so used, or where similar domestic materials are used, to the duties paid on the equivalent imported similar materials, less one per centum thereof: *Provided*, That the exportation shall be made within three years after the importation of the foreign material used or constituting the basis for drawback: *And provided further*, That when the articles exported or coverings thereof are in part of material grown or produced in the Philippine Islands not subject to drawback under this Act, the imported materials, or the similar domestic materials of equal quantity and productive manufacturing quality and value entitled to drawback, shall so appear in the completed articles or packages that the quantity or measure thereof may be ascertained: *And provided further*, That the imported materials, or domestic materials entitled to drawback under this Act, for which drawback is claimed, shall be identified; that the quantity of such materials used and the amount

of duty paid thereon or if domestic materials, paid upon its equivalent, shall be ascertained; and that the fact of their exportation shall be established; and the refund if made shall be paid to the manufacturer, producer, or exporter, to the agent of any of them, or to the person such manufacturer, producer, exporter or agent shall, in writing, order such refund paid, under and in accordance with such rules and regulations as the insular collector of customs may prescribe: *Provided, however,* That no drawback shall be paid under this section on account of any articles, goods, wares, or merchandise exported to the United States of America or to any Territory or place under the jurisdiction and the control of the Government thereof, wherein such articles, goods, wares, or merchandise are admitted free of duty.

SEC. 23. That containers, such as casks, large metal, glass, or other receptacles which are, in the opinion of the collector of customs, of such a character as to be readily identifiable may be delivered to the importer thereof upon identification and the giving of a bond with sureties satisfactory to the collector of customs in an amount equal to double the estimated duties thereon, conditioned for the exportation thereof or payment of the corresponding duties thereon within one year from the date of importation, under such rules and regulations as the insular collector of customs shall prescribe.

SEC. 24. That in addition to the taxes imposed by this Act there shall be levied and collected on goods, wares, or merchandise when imported into the Philippine Islands from countries other than the United States the internal revenue tax imposed by the Philippine government on like articles manufactured and consumed in the Philippine Islands or shipped thereto, for consumption therein, from the United States.

SEC. 25. That the insular collector of customs shall, subject to the approval of the secretary of the department having jurisdiction over the customs service, make all rules and regulations necessary to enforce the provisions of this Act.

SEC. 26. That original jurisdiction in all cases arising in the Philippine Islands is hereby conferred upon the courts of first instances of the Philippine Islands and appellate jurisdiction upon the supreme court of the Philippine Islands in matters arising under the Act of Congress approved February twentieth, nineteen hundred and five, entitled "An Act to authorize the registration of trade-marks used in commerce with foreign nations or among the other States or with Indian tribes and to protect the same," identical with the jurisdiction conferred upon courts of the United States by section seventeen of said Act.

SEC. 27. That all existing decrees, laws, regulations, orders, or parts thereof, inconsistent with the provisions of this Act, are hereby repealed, but the repeal of such decrees, laws, regulations, or orders, or parts thereof, shall not affect any act done, or any right accruing or accrued, or any suit or proceeding had or commenced in any civil cause before the said repeal takes effect; but all rights and liabilities under said decrees, laws, regulations, or orders shall continue and may be enforced in the same manner as if said repeal had not been made. Any offenses committed and all penalties or forfeitures or liabilities incurred prior to the time when this Act shall take effect under any decree, law, regulation, or order embraced in, modified, changed, or repealed by this Act may be prosecuted or punished in the same manner and with the same effect as if this Act had not been passed. All Acts of limitation, whether

applicable to civil causes and proceedings or to the prosecution of offenses or for the recovery of penalties or forfeitures embraced in, modified, changed, or repealed by this Act shall not be affected thereby; and all suits, proceedings, or prosecutions, whether civil or criminal, for causes arising or acts done or committed prior to the time when this Act shall take effect may be commenced and prosecuted within the same time and with the same effect as if this Act had not been passed.

SEC. 28. That this Act shall take effect sixty days after its passage.

Approved, Eight minutes after Five o'clock P. M.

August 5th, 1909.

ALBANY DIVISION OF SOUTHERN DISTRICT OF GEORGIA.

Act of Aug. 5, 1909.

AN ACT TO ATTACH BEN HILL COUNTY TO THE ALBANY DIVISION OF THE SOUTHERN DISTRICT OF GEORGIA.

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That the county of Ben Hill, in the State of Georgia, be attached to the Albany division of the southern district of Georgia.

Approved, August 5, 1909.

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